Calendar No. 1756

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1736

WAYMON H. MASSEY

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. JOHNSTON, of South Carolina, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3152]

The Committee on the Judiciary, to which was referred the bill (H. R. 3152) for the relief of Waymon H. Massey, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay $10,000 to Waymon H. Massey, of Greenville, S. C., in full settlement of all claims arising out of the permanent and disabling injuries sustained by him on February 24, 1943, as a result of an airplane crash at the Auburn-Opelika, Ala., Airport, caused by a naval aviation cadet freezing to the controls while said Massey was in the employ of the Alabama Air Service, under an assignment by the Civil Aeronautics Administration.

STATEMENT

The information before the committee indicates that Massey was trained by the Government for the purpose of teaching men in the Armed Forces of the United States to fly during World War II and that such teaching was necessary in order to build up the Air Force for combat with the enemy. After Massey had completed his training, he was subject to the orders of his Government and pursuant to such orders was assigned to Alabama to operate as an instructor of cadets being trained under contract with the Alabama Air Service. While training such a cadet, the cadet in question froze to the controls and a crash ensued. The House report shows that the claimant at this time is a complete paraplegic as a result of this accident.

Under the provisions of Private Law 1036 of the 81st Congress, Mr. Massey was given permission to sue. Suit was brought in the United

States District Court for the Western District of South Carolina and a copy of the decision obtained in the court is hereto attached and made a part hereof. The district court held as a fact that the crash resulting in the injuries was caused by the negligence of the naval aviation cadet but denied recovery on the ground that Massey knew and assumed the risk involved in this employment.

The district court's decision was appealed to the Fourth Circuit, United States Court of Appeals and the circuit court affirmed the action of the district court, pointing out that the injuries had occurred in Alabama, the Alabama law controlled, and that under Alabama law the defense of assumption of risk was valid.

It is interesting to note, however, that the circuit court, in its opinion, made the following statement:

> The case of the plaintiff appeals strongly to our sympathies. We could well wish that Congress had passed the original act awarding Massey $10,000. That question, however, was for Congress, not for us. Under the act as finally passed, we and the district court could only apply the law as we found it.

The original bill also carried a provision to place Massey under the Federal Employees Compensation Act. That feature of the bill was deleted by the action of the House, apparently, upon the recommendation in the report of the Department of Labor which is attached hereto. The Department of Labor in its report, however, does not comment on section 1 of the bill which is now before us.

Under the state of law applicable, there does not appear to be any question but that Massey was not an employee of the Government nor was the Government in any way negligent or liable for the injuries received by him. He was, however, under orders of the Government as regards assignments for his work and was performing a job during wartime which was absolutely essential to the Government.

The question, therefore, arises that even though the Government has no responsibility in this matter, since the claimant was performing a job which was absolutely essential to our national defense, should there be contribution by the Government.

It appears that as a matter of law the claimant has no redress, but at this point it would be well to note the holding of the Supreme Court of the United States in *United States* v. *Realty Company* (163 U. S. 427). In that case the Court in its opinion stated, in part, as follows:

> Under the provisions of the Constitution (art. 1, sec. 8) Congress has power to lay and collect taxes, etc., "to pay the debts" of the United States. Having power to raise money for that purpose, it of course follows that it has power when the money is raised to appropriate it to the same object. What are the debts of the United States within the meaning of this constitutional provision? It is conceded and indeed it cannot be questioned that the debts are not limited to those which are evidenced by some written obligation or to those which are otherwise of a strictly legal character. The term "debts" includes those debts or claims which rest upon a merely equitable or honorary obligation, and which would not be recoverable in a court of law if existing against an individual. The Nation, speaking broadly, owes a "debt" to an individual when his claim grows out of general principles of right and justice; when, in other words, it is based upon considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of an individual, although the debt could obtain no recognition in a court of law. The power of Congress extends at least as far as the recognition and payment of claims against the Government which are thus founded. To no other branch of the Government than Congress could any application be successfully made on the part of the owners of such claims or debts for the payment thereof. Their recognition depends solely upon Congress, and whether it will recognize claims thus founded must be left to the discretion of that body. Payments to individuals, not of right or of a merely legal claim,

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but payments in the nature of a gratuity, yet having some feature of moral obligation to support them, have been made by the Government by virtue of acts of Congress, appropriating the public money, ever since its foundation. Some of the acts were based upon considerations of pure charity. A long list of acts directing payments of the above general character is appended to the brief of one of the counsel for the defendants in error. The acts are referred to not for the purpose of asserting their validity in all cases, but as evidence of what has been the practice of Congress since the adoption of the Constitution.

From the foregoing, it can be seen that the term "debts" includes those debts or claims which rest upon only a merely equitable or honorary obligation and need not be founded as a matter of law. The Court goes as far as to say that a debt of merely an honorary nature which is binding upon the conscience or honor of an individual, although the debt could obtain no recognition in a court of law, nevertheless falls under the classification of a debt which can validly be considered by the Congress. The Court further states that the recognition of such debts depends solely upon the Congress, and whether it will recognize claims thus founded must be left to the discretion of that body.

The committee after discussion of the claim, reaches the conclusion that there exists an obligation upon the part of the United States Government to contribute a share to this claimant. Although this claim has no standing in a court of law or equity under the Realty Case, supra, it may be based upon considerations moral or merely honorary nature such as are binding upon the conscience or honor of an individual although the debt would obtain no recognition in a court of law. The set of circumstances as set forth in this case is, in the opinion of the committee, one of those situations in which such a moral and honorable obligation exists. In view of the foregoing, the committee recommends the bill, H. R. 3152, for favorable consideration to the Senate.

The file indicates that an attorney fee not in excess of 10 per centum of the award was justified on the basis of the work done by the attorneys in connection with this claim.

Attached hereto and made a part hereof is the report of the Department of Labor in connection with a similar bill of the 83d Congress; the decision of the United States Court of Appeals for the Fourth Circuit, and other pertinent data.

UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, April 23, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR CONGRESSMAN REED: This is in further reply to your request for a report on H. R. 1327, a bill for the relief of Waymon H. Massey.

Section 1 of the bill proposes to grant $10,000 to Mr. Massey in full settlement of a claim resulting from injury suffered in the crash of an airplane piloted by a naval aviation cadet to whom Mr. Massey was giving flight instruction. Section 2 would require the Secretary of Labor to furnish medical care and services under the provisions of section 9 of the Federal Employees' Compensation Act on the basis that Mr. Massey's injuries "shall be held and considered to be injuries 'sustained by an employee while in the performance of duty'."

It appears that at the time of the accident the beneficiary of this bill was an employee of the Alabama Air Service, a private firm, and was not an employee of the United States. Under these circumstances, he has no claim under the Federal Employees' Compensation Act and none has been filed with this Department. I do not believe that the provisions of the act and funds appropriated under it should be used to provide benefits in connection with a claim which is not within its purview.

Without expressing an opinion regarding the merits of section 1 of the bill, I feel that I must express my opposition to section 2.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Yours very truly,

JAMES P. MITCHELL,
Secretary of Labor.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 6440

WAYMON H. MASSEY,

APPELLANT, VERSUS UNITED STATES OF AMERICA, APPELLEE

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF SOUTH CAROLINA, AT GREENVILLE

(Argued June 16, 1952. Decided July 24, 1952.)

Before PARKER, Chief Judge, and SOPER and DOBIE, Circuit Judges

J. D. Todd, Jr., for Appellant; and W. A. Bull, Assistant U. S. Attorney (John C. Williams, U. S. Attorney, on brief), for Appellee

DOBIE, Circuit Judge:

This is an appeal by Waymon H. Massey from a final judgment of the United States District Court for the Western District of South Carolina, entering judgment for the defendant. The suit was brought by the plaintiff against the United States for injuries received by him as a result of an airplane crash at the Auburn-Opelika, Alabama, Airport on February 24, 1943, while he was giving flight instruction to Naval Aviation Cadet Woodward. Massey received serious and severe injuries of a permanent nature. The suit was authorized by Private Law 1036, 81st Congress, Chapter 1120, 2d session.

The District Court found, as a fact, that the crash was caused by the negligence of the Naval Aviation Cadet in interfering with and freezing to the controls of the airplane; but denied recovery on the ground that plaintiff knew and appreciated the risk involved in flying a dual control airplane with a student, and voluntary exposed himself to such damage by giving such instructions, thus assuming the risk of such action on the part of the student.

At the time of the accident, Massey and Woodward were flying a dual control Piper Cub airplane. Because of an approaching fog, Massey determined they should return to the airport and land. In attempting to land, the plane crashed.

Massey was an employee of the Alabama Air Service which was under contract with the government to train pilots for the armed services. Massey had been assigned to this school by the Civil Aeronautics Authority, as a part of the extensive wartime effort to build up our air force. As an employee of the Alabama Air Service, Massey received under the provisions of the Alabama Workmen's Compensation Law approximately Five Thousand Dollars ($5,000,000). Cadet Woodward had approximately thirty-five hours of flying time to his credit, but was an inexperienced pilot taking primary training. Massey was an experienced and licensed pilot instructor.

Jurisdiction was conferred on the District Court by Private Law 1036, approved by Congress September 28, 1950, which reads as follows:

> "(Private Law 1036—81st Congress) (Chapter 1100–2d Session) (H. R. 1025) An Act for the relief of Waymon H. Massey. *Be it enacted by the House of Representatives of the United States of America in Congress Assembled*, That jurisdiction is hereby conferred upon the United States District Court for the Western District of South Carolina to hear, determine, and render judgment upon the claim of Waymon H. Massey, of Greenville, South Carolina, for injuries sustained by him on February 24, 1943, through the alleged negligence of a United States naval aviation cadet, while engaged in giving flight instruction to said naval aviation cadet at Auburn, Alabama, and while in the employ of the Alabama Air Service which was under contract with the Civil Aeronautics Administration to train Navy personnel for flying, the said Waymon H. Massey having been assigned to the Alabama Air Service by the

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Civil Aeronautics Administration: *Provided however*, That nothing in this Act does or shall constitute an admission of liability on the part of the United States. Approved September 28, 1950."

When first introduced into the House of Representatives, the Act authorized the payment to Massey, on account of his injuries, of the sum of Ten Thousand Dollars. The Act was then amended to confer jurisdiction upon the District Court to decide on Massey's claim rather than as a bill of direct appropriation. The President refused to sign the amended bill unless the word "alleged" be inserted before the word "negligence," and the proviso added: "That nothing in this Act does or shall constitute an admission of liability on the part of the United States." The bill was then further amended to conform to the President's suggestion and passed by Congress and approved by the President, in the words set out above.

Appellant's contention is that Congress intended to confer jurisdiction upon the District Court to determine whether or not the crash occurred as Massey claimed it did, i. e., because the cadet froze to the controls, and if it was determined that the crash did occur in that manner, then Massey was to recover. We find no merit in this contention, and we fully agree with the holding of the District Judge:

> "In passing the Private Act, it is my opinion that Congress did not intend to do more than to waive the government's immunity from suit, and to give the plaintiff an opportunity to bring an action in the United States District Court for the Western District of South Carolina upon his claim for damages, to determine the liability of the United States upon the law and the facts for the injuries sustained by him."

See the opinion of Chief Judge Parker, speaking for our Court in *Grant* v. *United States*, 192 F. 2d. 482, 484, and cases there cited. See, also, *McMahon* v. *United States*, 342 U. S. 25; *Feres* v. *United States*, 340 U. S. 135, 141; *United States* v. *Michel*, 282 U. S. 656, 659; *Eastern Transportation Co.* v. *United States*, 272 U. S. 675, 686; *Kuhment* v. *United States*, 127 F. 2d 824, 826. This conclusion is further sustained by the legislative history of the Act. Nor is there anything in the cases cited by appellant which would warrant any other conclusion.

The District Judge was correct in determining liability here according to the law of Alabama, where the accident and injuries to the plaintiff occurred. Clearly the *lex loci delicti* is applicable and controlling.

Finding the Fact No. 2 by the District Judge reads:

> "The plaintiff knew of and appreciated the danger involved in riding in a dual-control airplane with a student pilot at one of the controls, and with such knowledge and appreciation he voluntarily exposed himself to such danger and thereby assumed the risk incurred incident thereto."

The District Judge then held that under the Alabama law the defense of assumption of risk was valid and judgment was, accordingly, entered for the defendant, United States. We think the District Judge's finding has ample support in the record, and that he correctly interpreted and applied the applicable Alabama law. The judgment of the District Court must, therefore, be affirmed.

In the case of *King* v. *Woodward Iron Co.*, 177 Ala. 487, 59 South. at page 269, the Supreme Court of Alabama said:

> "The term 'assumed risk' includes generally any form of assumed risks; that is to say, risks originally incident to the work, as well as risks not so incident, but arising from the circumstance that the danger was a known one. *International & G. N. R. Co.* v. *Moynahan*, 33 Tex. Civ. App. 303, 76 S. W. 803, 804. The assumption of a risk appears to involve the fact of comprehension that a peril is to be encountered and a willingness to encounter it; that is to say, a positive exercise of a volition in the form of an assent to the risk. *Adolff* v. *Columbia Pretzel & Baking Co.*, 100 Mo. App. 199, 73 S. W. 321, 324. 1 Words and Phrases, p. 589."

In *McGeever* v. *O'Bryne*, 203 Ala. 266, 82 So. 588 and in *King* v. *Woodward Iron Co.*, 177 Ala. 487, 59 So. 264, assumption of risk was held a valid defense where the plaintiff knew and appreciated the danger and voluntarily put himself into the way of it. These cases seem effectively to settle the applicable Alabama law. Cf. *Baruch* v. *Sapp*, 178 F. (2d) 382, 386.

The case of the plaintiff here appeals strongly to our sympathies. We could well wish that Congress had passed the original Act awarding Massey $10,000.00. That question, however, was for Congress, not for us. Under the Act, as finally passed, we and the District Court could only apply the law as we found it.

The judgment of the District Court is affirmed.

Affirmed.

RELIEF OF WAYMON H. MASSEY

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE NO. 5,
Washington, D. C., Monday, July 19, 1954.

The subcommittee met, pursuant to call, at 3:08 p. m., in room 327–A, Old House Office Building, Hon. E. L. Forrester, of Georgia, presiding.

Mr. FORRESTER. The subcommittee will come to order, and will proceed to the hearings on H. R. 1327, which will be included in the record at this point.

(The bill, H. R. 1327, is as follows:)

[H. R. 1327, 83d Cong., 1st sess.]

A BILL For the relief of Waymon H. Massey

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Waymon H. Massey, Greenville, South Carolina, the sum of $10,000. Except as provided in section 2, the payment of such sum shall be in full settlement of all claims of the said Waymon H. Massey against the United States on account of permanent and disabling personal injuries sustained by him on February 24, 1943, as a result of an airplane crash at the Auburn-Opelika (Alabama) Airport which was caused by the negligence of a United States naval aviation cadet to whom the said Waymon H. Massey, while in the employ of the Alabama Air Service under an assignment by the Civil Aeronautics Administration, was giving flight instruction: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. For the purposes of section 9 of the Federal Employees' Compensation Act (5 U. S. C., sec. 759), the injuries sustained by the said Waymon H. Massey on February 24, 1943, shall be held and considered to be injuries "sustained by an employee while in the performance of duty"; and the Secretary of Labor shall furnish to the said Waymon H. Massey adequate medical, surgical, and hospital services, and necessary appliances and supplies, as provided in such section.

Mr. FORRESTER. This is a bill for the relief of Waymon H. Massey. We have with us the gentleman from South Carolina, Mr. Ashmore; and Mr. Ashmore, I assume that you have a statement that you wish to make at this time.

Mr. ASHMORE. That is correct.

Mr. FORRESTER. We shall be delighted to hear from you.

STATEMENT OF HON. ROBERT THOMAS ASHMORE, OF GREENVILLE, S. C., A REPRESENTATIVE IN CONGRESS FROM THE FOURTH DISTRICT OF THE STATE OF SOUTH CAROLINA

Mr. ASHMORE. Mr. Chairman, I did not introduce the bill which is now under consideration, H. R. 1327. My predecessor, Mr. Joseph R. Bryson, introduced the bill before his death, and I have inherited the case. But, since I first learned about it—which, as a matter of fact, was before I came to the Congress—I have had great interest in the case of Waymon H. Massey, the claimant, knowing Mr. Massey, personally, and knowing something about the background and the facts of the case.

When I came here, in June last year, to succeed Mr. Bryson, I found the case on file in the office, and I have been deeply and vitally interested in it since then, particularly with reference to Mr. Massey's welfare and claim.

The way I understand the case, if I recall it correctly, is this. A bill was introduced, I believe, in the 81st Congress, to award $10,000 damages to Mr. Massey. The Judiciary Committee amended the bill and approved it, and it went through Congress, giving Mr. Massey authority to bring a suit in the Federal courts in South Carolina for his claim. That suit was brought, the case was tried, and the court found two or three things that I think are very pertinent to the claim.

First, the record shows that the court held and found, as a matter of fact, that the cause of the crash that injured Mr. Massey was the negligence of the naval cadet who was being trained to fly by Mr. Massey, Mr. Massey being

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the instructor, and it also found that it was not due to Mr. Massey's fault. However, the crash happened in Alabama, and the court held that, under the law of Alabama, the assumption-of-risk statute applied, and therefore it would have to apply in this case, and, since the assumption-of-risk statute did apply, Mr. Massey could not recover. It also held that, since Congress did not say which law was to apply, the Alabama law would be controlling.

Having stated that, the judge then held that Mr. Massey, as an instructor, did assume the risk of a pilot freezing to the controls. This case was appealed by the claimant's attorneys to the Court of Appeals of the United States for the Fourth Circuit, where it was heard on June 16, 1952. A decision was handed down by Chief Judge Parker and Circuit Judges Soper and Dobie. They affirmed the decision of the trial court, that is, the district court, and they had this to say:

"* * * on February 24, 1943, through the alleged negligence of a United States naval aviation cadet"—

That is, Woodward——

Mr. MASSEY. Clifford Woodward.

Mr. ASHMORE. Massey received serious and severe injuries, of a permanent nature. The suit was authorized by Private Law 1036, 81st Congress, chapter 1100, 2d session. The law reads as follows——

Mr. FORRESTER. You may put in the record anything that you wish to have included in it.

Mr. ASHMORE. I read:

"Private Law 1036, 81st Congress (chapter 1100, second session) (H. R. 1025)—An Act for the relief of Waymon H. Massey.

"*Be it enacted by the House of Representatives of the United States of America in Congress Assembled*, That jurisdiction is hereby conferred upon the United States District Court for the Western District of South Carolina to hear, determine, and render judgment upon the claim of Waymon H. Massey, of Greenville, South Carolina, for injuries sustained by him on February 24, 1943, through the alleged negligence of a United States naval aviation cadet, while engaged in giving flight instruction to said naval aviation cadet at Auburn, Alabama, and while in the employ of the Alabama Air Service which was under contract with the Civil Aeronautics Administration to train Navy personnel for flying, the said Waymon H. Massey having been assigned to the Alabama Air Service by the Civil Aeronautics Administration: *Provided, however*, That nothing in this Act does or shall constitute an admission of liability on the part of the United States. Approved September 28, 1950."

As a result of that act, the suit that I mentioned a moment ago was brought, and it resulted finally in the holding which I have related. However, the court of appeals, from whose opinion I am reading, in sustaining the trial court's decision, had this to say:

"The case of the plaintiff here appeals strongly to our sympathies. We could well wish that Congress had passed the original act awarding Massey $10,000. That question, however, was for Congress, not for us. Under the act, as finally passed, we and the district court could only apply the law as we found it."

Mr. Chairman, I may say that I personally feel that the court was there expressing a feeling that Congress should pay this man, and that he certainly deserves to be paid by some means and by some agency. They found that he could not be paid through an action in court, because of this assumption-of-risk statute; but, at the same time, they found that he definitely was severely and permanently injured, and that it was not due to his fault but was due to the fault of the naval cadet whom he was training, while in the employ—so I feel, and so he claims—of the United States Government, in the training of pilots to fight for our country during a war; but the court, of course, does not in so many words say that the Congress should pay him, though it strongly implies that, I feel, from the statement that the court makes, and which I have put in the record. There is no other way for this man to be paid.

I want you to hear some of the evidence that I want Mr. Massey to give you, relative to his injuries. I believe that everyone will agree that he is justly deserving of this award for which he asks, in the sum of $10,000; which, in his condition, is only meager, since he was rendered totally disabled so far as earning a livelihood is concerned.

I would like for you to hear from Mr. Massey; and he can give us the background, not too much in detail; but I want you to know a little bit about the actual facts of the case.

Mr. FORRESTER. We shall be delighted to hear from Mr. Massey.

STATEMENT OF WAYMON H. MASSEY, CLAIMANT

Mr. FORRESTER. Just feel perfectly at home, sir, and understand that you are representing yourself. Present the case as it actually appeals to you.

Mr. ASHMORE. Let me say this before Mr. Massey starts. Mr. Massey just happened to get a ride to Washington last night and he arrived here this morning without any cost to him. It is for that reason that I asked that this case be heard today, if it could possibly be done, because he does not have the money with which to come back here to testify. Also, his wife has to go with him practically everywhere he goes. She works as a weaver in the Moneghan Mill in Greenville, S. C. She is off 1 day and did not feel that she should stay here even until tomorrow They are going back tonight with the friends who brought them here. I have no witnesses other than Mr. Massey, and, if there is other evidence as to the degree of his disabilities or of his injuries if there is any further evidence needed, we can certainly get that, from a medical standpoint, if necessary. But I believe he will convince all of us, in a very short while, of the permanency and severity of his wounds and injuries.

Mr. Massey, just let me ask you a few questions.

Where were you working, before you went to Auburn, Ala., to train these cadets?

Mr. MASSEY. Well, I was working at Glenn L. Martin's.

Mr. ASHMORE That is an airplane factory in Baltimore?

Mr. MASSEY. In Baltimore.

Mr. ASHMORE. And how did you happen to go to Alabama to start training the cadets?

Mr. MASSEY. The Civil Aeronautics Board wrote me, or sent me a telegram, asking me to come to Curtiss-Wright Airport, to take a transition ride; and I went over there. The Baltimore School of Aeronautics said that I was eligible for flight instructor for the United States Air Force, if I wanted to accept it. So he went ahead and told me the business; and I had been flying since 1936, and had built up some 1,500 or 1,600 hours; so I passed it. Well, I passed the transition ride.

Mr. FORRESTER. In Alabama?

Mr. MASSEY. No—Baltimore. Then, this chief pilot told me that in order to take this grade I would have to join the Army Reserve.

Mr. FORRESTER. Now, if you do not mind, can you identify the chief pilot?

Mr. MASSEY. Lester Sipes.

Mr. FORRESTER. You just use the name.

Mr. MASSEY. Yes. The name is Lester Sipes. He was the chief pilot there. In other words, he was in charge of all the other pilots there.

Mr. FORRESTER. He was the chief pilot—where?

Mr. MASSEY. At the Baltimore School of Aeronautics. That is where I took my refresher course.

Mr. ASHMORE. How do you spell the name? S-i-p-e-s?

Mr. MASSEY. S-i-p-e-s. So I went ahead and took the course. It lasted approximately 9 weeks. Then I was ordered to Maxwell Field Air Force Base, in Montgomery, Ala.

Mr. FORRESTER. Who ordered you?

Mr. MASSEY. There was a general from Corpus Christi, Tex.; I don't remember his name. But I have the telegram at home. I can send that to you, Bob, if you like.

Mr. FORRESTER. May I ask, Would you like to get it, Mr. Ashmore, and put it into the record?

Mr. ASHMORE. Yes.

Mr. MASSEY. Yes.

Mr. FORRESTER. All right; that privilege is reserved to you. I suggest, though, that you get it up here at the earliest possible moment.

Mr. MASSEY. I will get it here just as quickly as I get home, sir.

Mr. FORRESTER. I suggest that, because the rumor is that the present session of Congress is speedily nearing an end.

FORT WORTH, TEX., *October 18, 1942.*

WAYMON HUDSON MASSEY,
Baltimore School of Aero,
Smith and Greenspring Avenues, Baltimore:

The director of civilian pilot training has advised this headquarters that you are scheduled to complete your CPT course in preparation for further training in Army schools within 30 days. Accordingly, you are herewith notified that

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you have been assigned to the Central Instructors School, Maxwell Field, Montgomery, Ala., for flying instruction under Army supervision.

It is desired that you report, with proper identifying credentials, to the Central Instructors School, Maxwell Field, Montgomery, Ala., immediately upon completion of your CPT training, advising the commanding officer thereof as to the date of your arrival. Travel to this station of assignment will be at your own expense.

Provisions have been made for your employment in the civilian status at the rate of $150 per month during the satisfactory pursuance of your flying instruction under Army supervision. Employment will start on the date you report for duty.

Upon satisfactory completion of the Army course of instruction, and if physically qualified, you will then be eligible for employment as a flying instructor or utility pilot at a salary rate of $300 per month, subject, of course, to your satisfactorily performing the duties to which you are assigned.

Acknowledgment of the receipt of this communication should be made immediately to the commanding officer, Central Instructors School, Maxwell Field, Montgomery, Ala.

B. K. YOUNT,
Major General, United States Army, Commanding General, Air Forces Flying Training Command.

Mr. ASHMORE. Let me ask, before it slips my mind. You said that they suggested that you join the Army Reserve?

Mr. MASSEY. Yes, sir. I had to, in order to take this refresher course given by the Government.

Mr. ASHMORE. Were you a member of the Army Reserve Corps?

Mr. MASSEY. No.

Mr. ASHMORE. At the time the plane crashed?

Mr. MASSEY. Yes. Here is a copy of my discharge.

Mr. FORRESTER. May I ask you, there, do you have a copy, or do you have any writing showing your induction or entry into the Reserve?

Mr. MASSEY. I just do not have. I do think that I have something releasing me from my draft board.

Mr. ASHMORE. Let me ask you this. Was this discharge, a copy of which I hold here in my hand, given you after the crash?

Mr. MASSEY. Yes, sir; that was mailed to me on March 19, I believe, 1953.

Mr. ASHMORE. We offer that in evidence.

Mr. MASSEY. Yes.

HEADQUARTERS FOURTH SERVICE COMMAND

Office of the Commanding General

DNJ:HK/adh

POST OFFICE BUILDING,
Atlanta, Ga., March 19, 1943.

AG 201—Massey, Waymon H., Sr., 13,106,400.
Subject: Discharge.
To: Waymon H. Massey, Sr., 833 Hayne Street, Spartanburg, S. C.

1. Under provisions of Army Regulations 150-5, section V, paragraph 22b (1), you are hereby honorably discharged from the Army of the United States Air Corps Enlisted Reserve, for the convenience of the Government by reason of physical disability.

2. Enclosed herewith, honorable discharge, W. D., A. G. O. Form No. 175 by command of Major General Bryden:

HENRY KONIGSMARK, JR.,
Major, Infantry, Assistant Chief, Military Personnel Branch.

1 Incl:
W. D., A. G. O. Form 175.

Mr. MASSEY. The original discharge was sent to Mr. Bryson, in 1943, up here, along with the bill.

Mr. LEE. Did you ever receive it back?

Mr. MASSEY. No.

Mr. LEE. I will check the record. I think I recall the thing, Mr. Ashmore.

Mr. MASSEY. I would appreciate it if you would check the record, because on the '43, my memory now is mistaken.

Mr. FORRESTER. Let me ask you this. This paper—which I am sure you wish to put into the record——

Mr. ASHMORE. Yes, I do.

Mr. FORRESTER. Is dated March 19, 1943.

Mr. MASSEY. Yes.

Mr. FORRESTER. Which you say was the date of your discharge; is that right?

Mr. MASSEY. Well, that was the day I received my discharge.

Mr. FORRESTER. Now, that fixes the date as to when you were discharged. Now, can you put into the record, from memory or otherwise, the date that you entered the Reserves?

Mr. MASSEY. I cannot give you the exact date. I can give you the month and the year.

Mr. FORRESTER. All right; would you do that?

Mr. MASSEY. It was in May of 1942.

Mr. FORRESTER. Now, do you testify that, from sometime in May 1942 up to March 19, 1943, the date of your separation, you were at all times, from that beginning date up to March 19, 1943, a member of the Army Reserves?

Mr. MASSEY. Yes, sir.

Mr. ASHMORE. That is right.

Mr. FORRESTER. That gets that part of it straight.

Mr. ASHMORE. All right; go ahead, now.

Mr. MASSEY. And this refresher course started at Curtiss-Wright Airport, in Baltimore; but, on account of bombing and sabotage, they moved away from there, to Hanover, Pa.; and, in about approximately 9 weeks, we were sent to Maxwell Field, Ala., to start our work with the Government there; and so I went to Maxwell Field in October 1943; and I left there after I was assigned to the Alabama Air Service, which was sometime in December.

Mr. FORRESTER. Let me interrupt you, there. Was it in October 1943 that you went to Maxwell Field?

Mr. MASSEY. Yes, sir.

Mr. ASHMORE. You mean 1942?

Mr. MASSEY. I mean 1942.

Mr. FORRESTER. That is what I was trying to determine.

Mr. MASSEY. Excuse me. I meant 1942.

Mr. FORRESTER. You want to be careful on that, because this record is all that we have.

Mr. MASSEY. Yes, sir.

Mr. FORRESTER. And I knew, too, that your discharge paper was dated in 1943.

Mr. MASSEY. Yes, sir, 1942 was right. And then I was assigned to Alabama Air Service, at Auburn, Ala.

Mr. FORRESTER. Who assigned you there?

Mr. MASSEY. Mr. Odell Carlson. He was the senior inspector for the Civil Aeronautics Authority at Atlanta, Ga.

Mr. FORRESTER. Now, do you mean that he assigned you there, and that you had no alternative? Or did he tell you you could get a job down there?

Mr. MASSEY. No, sir; he told me I had to go there. That was the reason for my going into the Army Reserve. The Government spent some $4,000 or $5,000, I understand, in giving me this refresher course, and in order for me to get that refresher course from the Government, I had to join the Army Reserves. So I couldn't go other places and instruct and get other jobs. In other words, I had to give my time to the Government. That was the reason I had to go into the Army Reserves.

Mr. FORRESTER. Do I understand you to tell this subcommittee that, when you were ordered to go down to Maxwell Field, you were under the orders of the United States Government; that you had no alternative, and that you had to go, and that you had to accept that assignment?

Mr. MASSEY. Yes, sir; I had to accept it.

Mr. ASHMORE. Were you on active duty in the Reserves when you went there?

Mr. MASSEY. That, I could never find out, Mr. Ashmore.

Mr. ASHMORE. But you were being given orders?

Mr. MASSEY. Oh, yes; yes, sir. I had to report to Mr. Odell Carlson. Now, the reason I know, he assigned me to this flying school over there at the Municipal Airport in Atlanta; and after I was assigned there, the next day I was there, the big storm came up and he only had 3 airplanes, and all 3 planes tore up; and he says, "Massey," he says, "the only thing I can do to get you close to home is to send you to Auburn, Ala." "Now," he says, "there's training classes going on at Camden, S. C., which is about 75 miles from home; but," he says, "they have started; and," he says, "they have surplus instructors; and," he says, "the only place that I can put you close to home is Auburn, Ala."

Mr. FORRESTER. Now, were you trying to get a place to go, or were you simply subject to Government orders?

Mr. MASSEY. I was subject to Government orders.

Mr. FORRESTER. Did you ask him to get work for you, and to send you down there?

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Mr. MASSEY. No, sir; no, sir. I was ordered to go to Maxwell Field; and then, after I left Maxwell Field, I had to report to Mr. Carlson, in Atlanta. He was the senior inspector for the Civil Aeronautics Board; and wherever he sent me, to Oklahoma or to Texas, I had to go; but he said that he tried to send the boys as close to home as he could get them. And may I go a little further, to state that in 1943, on January 13, my first wife died, and I had to get special permission to go home to visit her in Greenville.

Mr. ASHMORE. From whom did you get permission?

Mr. MASSEY. From Mr. Wrenn Allen. He was head of the Alabama air station. I was sent here by the Government, and he had charge of me; and he told me. He said, "I will let you go 7 days." Well, she went to the hospital on the 1st of January, the 1st day of January, and died on the 13th. Between those dates, I had to make a trip back out there to get another extension, to go back to my wife in the hospital; and I only got 6 days that time, and in order to bury her, I had to—I was, in other words, a. w. o. l. for 1 day.

Mr. ASHMORE. In other words, at all times, while you were working at this airfield in Auburn, Ala., you were under orders of the Government; is that right?

Mr. MASSEY. Yes, sir.

Mr. ASHMORE. And you even had to get orders to go home when your wife was ill and suffering?

Mr. MASSEY. Yes, sir. We could not leave; we had to stay there. And another thing that happened at Maxwell Field, I had a little aggravated cyst; so this chief pilot—I don't recall his name—at Maxwell Field Air Force Base, we had about 340 pilots, over there, to be instructed—something got under my eye there, so he told me to go to the hospital on the base.

Mr. ASHMORE. That is Maxwell Air Force Base?

Mr. MASSEY. Yes. So I went there, and this colonel cut it out; and he says, "Now, you can't fly for 12 days."

Mr. ASHMORE. That is, a colonel in the Army cut it out?

Mr. MASSEY. Yes; a colonel in the Army. He was a doctor. So, when he got through—you see, we had $1-an-hour doctors, and everything. In other words, we were the same as officers on the field.

Mr. ASHMORE. Did you wear a uniform?

Mr. MASSEY. Oh, yes. We were ordered to buy those uniforms; but we didn't wear the bars, and things like that; but wore Army uniforms; and—I won't forget it—I bought two pairs of the olive drab and pinks. So, when this colonel got through operating on this eye, which took about 45 minutes or an hour, I asked him how much I owed him; and he says, "You don't owe me anything. This is the Army." So, while I was there, I received two checks from the Government, because we hadn't started active duty on the flying.

Mr. ASHMORE. That is another thing. Who pays you for instructing?

Mr. MASSEY. Wrenn Allen paid us, after we got to flying. But, now, the time that I was at Maxwell Air Force Base—I was there about 30 days or maybe 5 weeks—we got our pay every 2 weeks from the Government. I got $150 a month, while we were sitting there, waiting. I got two $75 checks. Now, where they came from, I don't know.

Mr. ASHMORE. You say they were Army checks?

Mr. MASSEY. Oh, yes; sure. They were Army checks.

Mr. ASHMORE. After you went to work, actually instructing?

Mr. MASSEY. Wrenn Allen paid us. You see, he had a contract, and it had been approved by the Government, to teach Army personnel. When I say that, there were some on the base—had some Marines, and some had a naval base, and there were one or two, Regular Army boys.

Mr. ASHMORE. Air Corps personnel?

Mr. MASSEY. Air Corps personnel—Army, rather than Navy. And this school had to be approved by the Government; and so I was an approved pilot and flight instructor; so I was sent there.

Mr. FORRESTER. When were you made a flight instructor?

Mr. MASSEY. I was made a flight inspector in October of '42, at Harrisburg, Pa.

Mr. FORRESTOR. And at that time were you a member of the United States Army Reserve?

Mr. MASSEY. Yes, sir. And then, too—may I add this—while I was there taking my refresher course, the $50 a month that I got from the Government was applied to my board bill at the Hanover—I can't think of the hotel, but it was a hotel that the Army went up there and rented—and the $50 that I got as a private in the Army Reserve went for the subsistence for me while I was there. Now, that is all, Mr. Ashmore.

Mr. ASHMORE. You went up on this flight, on this particular day——

Mr. MASSEY. Well, at 7 o'clock, on February 24, 1943.

Mr. FORRESTER. 7 a. m.?

Mr. MASSEY. A. m.; yes, sir; we took off.

Mr. ASHMORE. Say who, now—not just "we."

Mr. MASSEY. Clifford Woodward and myself took off.

Mr. ASHMORE. And who was Clifford Woodward?

Mr. MASSEY. He was my student.

Mr. ASHMORE. Well, what was he—a naval cadet, or what?

Mr. MASSEY. Naval aviation cadet. We proceeded to our practice area, which was within 5 miles of the airport; and we practiced for about 20 minutes, and we noticed this fog closing in.

Mr. ASHMORE. You were up in the air, you mean, taking off, flying?

Mr. MASSEY. Up in the air, in our practice area; and we took off. This fog began to come in, so I told Cliff to take his hands off the controls, that I was going in for a landing.

Mr. ASHMORE. What kind of controls did this plane have?

Mr. MASSEY. It had dual controls.

Mr. ASHMORE. Was there anybody in the plane except you and Clifford Woodward?

Mr. MASSEY. No, sir. It was a two-seated tandem airplane.

Mr. ASHMORE. The regular type of plane that you were giving instruction on?

Mr. MASSEY. Yes, sir. I was in front, and he was directly behind me. We both had the same acting controls; but they were dual.

Mr. ASHMORE. And you told him you were going to land?

Mr. MASSEY. That is right. So I told him I was going in for a landing.

Mr. ASHMORE. Because of the fog?

Mr. MASSEY. Because of the fog; and I said, "Now, you better keep your hands to yourself, because we might run into some trouble." Well, I come in on the north-south runway, got in my traffic pattern, and came in; and the airport was in the form of a capital A. Now, this was the airport, right here, on that sketch. This is north, south; all right. Now, this is the layout of the airport. Now, I was coming in. I had my traffic pattern coming right in this way, and was to come in here and set down on the north-south area. There were some branches, here, only they were 2 or 3 miles away. But now, in the meantime, the Government had given a contract to build a new runway across here. Well, just as I was letting down at about 150 feet to come in here, this big bulldozer was coming across here—this runway, here—to handle some dirt that it had pulled down from this hill, over here. This was in the cemetery; a little wall about 15 or 20 feet high; and this was a hill; so they were cutting this down and pulling this dirt off here and putting it into this gulley.

So, when I found, with this happening, a bulldozer was on the runway there, I just circled and was going to come in on the east-west runway; and we were about 35 feet from the edge of the runway, is where we cracked up; and just as I was making my "downwind" leg here, Cliff Woodward—that was my student—froze to the controls, with the stick forward and the throttle forward; and there we were, coming down; and I looked around, and I said, "Cliff, if you don't"—we were about 40 or 50 feet high—I said, "Cliff, if you don't turn loose of that, you and I both are going to burst wide open." And those are the last words I remember, until I woke up on Monday, after this happened on Wednesday; and he said at the trial that he was "scared to death," he didn't know what in the world was happening.

Now, right in here [indicating] there were a few tall pine trees; and, naturally, we were not very high, because I didn't want to gain any more altitude, to go up into the fog; and I just came on around here; and he said that those trees must have been what scared him.

Mr. ASHMORE. And he did freeze to the controls?

Mr. MASSEY. Yes. Oh, yes; he froze to the controls, coming in here.

Mr. ASHMORE. Was there anything you could do to knock him loose, from your position?

Mr. MASSEY. No, not a thing; because, at the time, and the rate the airplane was flying, there was an expert testified at my trial in Greenville that the time from when he froze till we hit the ground was between 3 and 4 seconds; he says that is the time. He was an expert, as a flier, and he says it happened somewhere between 3 and 4 seconds; and he told the judge, while there, that I didn't have any time, in 3 or 4 seconds, to do anything, actually.

Mr. ASHMORE. Is there any thing that you could have done, that you know of, to have avoided the crash?

Mr. MASSEY. No, not a thing. The only thing I can be truthfully proud of, you might say—I am not so proud of being crippled—the only thing I am proud of is that we cracked up on the runway.

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Mr. ASHMORE. Instead of on the trees; is that right?

Mr. MASSEY. That is right. And that goes to substantiate my statement that we were, right when I cracked up, on the runway, and did not crack up somewhere else. In other words, I had control of the airplane, and knew where I was going. That is what it substantiates there, by my cracking up on the runway.

Mr. ASHMORE. I believe you testified at the trial what you told me here.

Mr. MASSEY. Yes.

Mr. ASHMORE. And he waived questioning at that time?

Mr. MASSEY. Yes.

Mr. ASHMORE. And he did not deny anything?

Mr. MASSEY. No.

Mr. ASHMORE. The court found that it was the result of his carelessness?

Mr. MASSEY. Yes.

Mr. FORRESTER. What injuries did you receive, as a result of this crash?

Mr. MASSEY. From the statement of Dr. Staley—and he is the receiving-room surgeon with the general hospital in Greenville, S. C., I am a complete paraplegis, who is paralyzed from the waist down. My neck was fractured, to a certain extent. This right hand was injured. You see it is fleshy there, and this is sunk in. I do not have much strength in this hand here, and my left ankle was completely broken in two. I have no control over my bowels or my kidneys.

Mr. ASHMORE. Even now?

Mr. MASSEY. No, not now—never will have.

Mr. ASHMORE. You have to wear some kind of appliance?

Mr. MASSEY. I have to wear a urinal, to take care of that; and then I have to have an enema for a bowel movement.

Mr. FORRESTER. Now, I believe you stated that the doctor said that.

Mr. MASSEY. Yes.

Mr. FORRESTER. Now, can you verify that from your own knowledge?

Mr. MASSEY. Yes, sir; I can verify it.

Mr. FORRESTER. In other words, you know that you are paralyzed from your waist down; is that right?

Mr. MASSEY. Yes, sir; I know that, all right, because I have no feeling whatsoever. I can sit down on ice picks or axes or anything. I have burns in my legs that I can show, and places where I have been operated on my leg. I can show you I have a sore—a hole—on the tail end of my spine, where a sore came there and took 18 months to heal it up. There is a big hole there.

Mr. ASHMORE. Lack of blood circulation, improper circulation, insufficient circulation?

Mr. MASSEY. That is right. Dr. Stelling has operated on the left tocis twice for a sinus tract. About every 4 to 5 months this poison in my blood stream flares up, and I have to have some relief from that; and penicillin is no more becoming a means for that, so I have to take aureomycin. That is the new drug; and he said that, by the time we get through with that, maybe we will have something else that one can take; and I have suffered headaches quite a bit, because of this neck injury.

Mr. ASHMORE. Mr. Chairman, I wish you would put your hand in this place on his neck, and feel what you can, if you do not mind. Let him turn his head and show you; and you can tell by looking at it.

Mr. FORRESTER. Yes.

Mr. ASHMORE. It is apparent, the moment he turns his head.

Mr. FORRESTER. I think it would be better to get it in the record, because we have numerous other members of this subcommittee, and they will want to read this record.

Mr. ASHMORE. Yes. My thought was that perhaps if you felt it yourself, you would also have physical, actual knowledge of it, as well as his testimony regarding it.

Mr. MASSEY. My jugular vein here—can't get hold of that bone [indicating]; it was all broken up there.

Mr. ASHMORE. You were injured in the face?

Mr. MASSEY. Yes.

Mr. ASHMORE. Now, can you do any kind of work with the right hand, that involves tedious work?

Mr. MASSEY. No.

Mr. ASHMORE. You move it with the rubber, do you?

Mr. MASSEY. No; because it just bears down. I cannot do a thing. There is no accuracy in it at all.

Mr. ASHMORE. Does that come from the vertical fracture or refracturing of the neck?

Mr. MASSEY. Yes.

Mr. ASHMORE. At the base of the spine, or brain?

Mr. MASSEY. This finger is completely numb, and this side of these fingers.

Mr. FORRESTER. Suppose you identify that—the little finger on the right hand?

Mr. MASSEY. That is numb, and half of the ring finger, next to the little finger, is numb; and that is caused from this neck injury.

Mr. ASHMORE. What was that you showed me, Mr. Massey, with reference to your ability to sit up; and, when you bend over, do you have any control of the upper part of your body?

Mr. MASSEY. In other words, when I sit like this, I go over; I cannot hold myself; I have to catch myself with my hands.

Mr. ASHMORE. You have no control?

Mr. MASSEY. I have no control from my back there. In other words, in eating, I have to hold myself, and eat with one hand; and if I want to use the one hand, I have to go down, while with this hand holding myself up. I just do not have any control; and, as I say, I have suffered headaches, and my neck seems to tire easily. I have to do a lot of lying down. Dr. Stelling told me, "That is the one medicine that you are going to have to take—that is, rest." He said, "You can't do any hard, strenuous work with your hands."

Mr. ASHMORE. Was that supposed to be based on your brain or your spine? What did the doctor ascribe that to?

Mr. MASSEY. Well, he did not say too much about it; but I know why, because he did not want to get me upset. I could take it, but I never did argue too much about it, because he has been very good to me.

Mr. ASHMORE. Well, is it a fracture of the vertebra?

Mr. MASSEY. Yes.

Mr. ASHMORE. A fracture of the neck?

Mr. MASSEY. Yes. It is a fracture of the vertebra. I do not know what vertebra it is, but it is a fracture.

Mr. FORRESTER. Now, let me ask you some questions if you do not mind.

Mr. MASSEY. All right.

Mr. FORRESTER. Did you observe anything unusual that occurred at the time of the crash?

Mr. MASSEY. No, sir; I did not have any unusual occurrence.

Mr. FORRESTER. Was there any insurance at the time of the crash?

Mr. MASSEY. No, sir; I did not have any insurance.

Mr. FORRESTER. Was any insurance available to you? Could you have bought insurance if you had chosen to buy it?

Mr. MASSEY. I do not know whether I could have or not, sir.

Mr. FORRESTER. Have you received any compensation?

Mr. MASSEY. From the State of Alabama I have received some compensation.

Mr. FORRESTER. From whom?

Mr. MASSEY. From the State of Alabama.

Mr. FORRESTER. You mean the Civil Aeronautics, Mr. Massey?

Mr. MASSEY. No, sir. That is workmen's compensation from the State. No, sir; I have never received anything from the Civil Aeronautics, or from the Government.

Mr. FORRESTER. In other words, through the State compensation law of the State of Alabama, you received some compensation?

Mr. MASSEY. Yes, sir.

Mr. FORRESTER. For the record, tell us what that was.

Mr. MASSEY. As well as I can recall, now—it has been about 10 years since I asked for the settlement. It seemed to me that I was to get $18 a week. I know $18 a week is carried, for 504 weeks. At the end of 101 or 102 weeks, I asked for a lump-sum settlement, because $18 a week—you couldn't realize anything out of it. So I took what I got, which came to $3,500 or $3,600; I do not recall.

Mr. FORRESTER. After the one-hundred-and-some weeks?

Mr. MASSEY. After the one-hundred-and-some weeks had been paid.

Mr. FORRESTER. At $18 a week?

Mr. MASSEY. At $18 a week; yes, sir.

Mr. FORRESTER. Then you got approximately $4,500, did you not?

Mr. MASSEY. As a lump-sum settlement.

Mr. FORRESTER. For the remainder?

Mr. MASSEY. For the remainder. I had to pay out of that, for sickness, a few hundred dollars; I do not recall how much that was.

Mr. FORRESTER. You do not recall that?

Mr. MASSEY. No. But I am this year settling up for my home, because I was paying rent, and I figured this would help me out, to keep the rent down some; at the same time we have a place. Maybe, a little bit later on, if I could get paid off, I would have a place to live.

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Mr. FORRESTER. Let me ask you this: Other than the workmen's compensation, have you received any moneys whatever from this accident?

Mr. MASSEY. No, sir.

Mr. FORRESTER. I believe you said this occurred in 1949, this injury?

Mr. MASSEY. That is right.

Mr. FORRESTER. Have you performed any work since?

Mr. MASSEY. Sold a few papers, and I got so cold, until it froze one of my toes, here. It took all I made in that, in a few weeks, to get that toe well; so I quit.

Mr. FORRESTER. And you had to abandon the selling of newspapers?

Mr. MASSEY. Yes.

Mr. FORRESTER. And since then, have you done any work?

Mr. MASSEY. I worked a few times at the Elks Club as a receptionist.

Mr. ASHMORE. Sitting in the lobby there?

Mr. MASSEY. Sitting in the lobby there and seeing that the Elks were in good standing, and that they were Elks, before I let them go up.

Mr. FORRESTER. Now, could you continue to carry on that work?

Mr. MASSEY. I could continue to carry it on, yes, sir; but, on the other hand, I do not know that I could.

Mr. FORRESTER. Did you lose that work?

Mr. MASSEY. Yes, sir; I lost it.

Mr. FORRESTER. That work is not available, now?

Mr. MASSEY. No, sir; it is not available, now.

Mr. FORRESTER. What did you make while you were working at that?

Mr. MASSEY. Approximately $38 a week.

Mr. FORRESTER. Now, do you have any funds of your own?

Mr. MASSEY. No, sir.

Mr. FORRESTER. Do you have any property?

Mr. MASSEY. Any property?

Mr. FORRESTER. Yes, sir.

Mr. MASSEY. Nothing but this house that I am buying.

Mr. FORRESTER. Other than the home that you said you bought?

Mr. MASSEY. That is right.

Mr. FORRESTER. Making the monthly payments with the proceeds that you get out of your cash-surrender settlement?

Mr. MASSEY. That is right.

Mr. FORRESTER. With your workmen's compensation?

Mr. MASSEY. That is right, sir.

Mr. FORRESTER. How have you been living, in the past few years?

Mr. MASSEY. My wife has been keeping me up—my second wife. We were married in '44, and that is the sole—more or less the sole means of my support.

Mr. FORRESTER. Of what did your family consist? You and your wife?

Mr. MASSEY. I had one son by my first wife. He is 22 years old now. He finished high school when he was 17, joined the Air Force, and came out in May '53—this past May 1954. And he stayed out until June 5, and went back in, and said he was going to stay in there and make a career out of it. So he is stationed at Donaldson Air Force Base; of which I am glad. They are in Greenville.

Mr. FORRESTER. Is he married?

Mr. MASSEY. No, sir.

Mr. FORRESTER. Does he make you an allotment?

Mr. MASSEY. No. He does not make an allotment to me, because they did not allow that. I do not know; but he does not make an allotment to me, but he does help us, through his own source, there, because he stays at the house; and he pays us board.

Mr. FORRESTER. Can you think of anything else, how, that you want to say?

Mr. MASSEY. No, sir.

Mr. ASHMORE. Just a moment. I wanted to ask him one question. You have a brace on this foot?

Mr. MASSEY. I have a brace on the left foot, and I am supposed to have one on the right foot.

Mr. ASHMORE. And you walk with crutches all the time?

Mr. MASSEY. I walk with crutches.

Mr. ASHMORE. I believe, when you came into my office, and started to leave, you were assisted. Can you get up by yourself?

Mr. MASSEY. I have to have somebody help me hold a chair and give me my crutches.

Mr. ASHMORE. Could you get up and go back there and get the crutch?

Mr. MASSEY. No, sir. If you were to leave $1 million down there, and were to

say to me, "Go and get it, and you can have it;" I could not do so, because I simply could not.

Mr. FORRESTER. Let me ask you. During the time that you were acting as a trainer of pilots, do you know of any other instructor who got injured while he was so instructing trainees?

Mr. MASSEY. No, sir.

Mr. FORRESTER. For the Government or for the Civil Aeronautics?

Mr. MASSEY. No, sir.

Mr. FORRESTER. Do you have any idea of how many claims of a similar nature may be in existence, where people like you, while working, got hurt?

Mr. ASHMORE. Do you know of any other instance of a claim like yours?

Mr. MASSEY. I know of one in Greenville, there; his son was killed. I do not know of any that were injured as I am. The fact of the business is, they sent me home to die. I am living on borrowed time now, so to speak. I hope I can borrow a whole lot more, too.

Mr. FORRESTER. I hope you can, too.

Mr. MASSEY. This fellow lost his son in Florida. He was a flight instructor, the same category that I am in; and when he came down there, when they went to pull him out of the airplane, he was dead.

Mr. ASHMORE. Do you know anything about how that case came out?

Mr. MASSEY. I do not know what the affiliate's right is, but that is all he ever got.

Mr. LEE. What is the man's name? I would like to check on that.

Mr. MASSEY. I will have to find that out.

Mr. LEE. I would like to know, because there might have been a bill introduced for it.

Mr. MASSEY. It seems to me the name was Jamison, but what his given name is, I do not know.

Mr. LEE. I wish you would check on that when you get home.

Mr. Chairman, I would like for the record to give the history of these bills from the time that former Congressman Bryson introduced them up to now, to show the interest that he took in this, and what happened to it up to now.

In the 79th Congress, Congressman Bryson introduced the bill H. R. 1878, and it was referred. That was the old Claims Committee. It was referred to Mr. Fernandez. The Congress ended, and the bill was returned and filed without action.

In the 80th Congress, Mr. Bryson introduced the bill H. R. 985. That was referred to a subcommittee, and was adversely reported by the Subcommittee on the Judiciary.

In the 81st Congress, Mr. Bryson presented H. R. 1025, which was referred to a subcommittee, and reported favorably; the House report being No. 391. It passed the House on May 2, 1949. That was a jurisdictional bill, conferring jurisdiction on the court in South Carolina to render judgment. The bill was passed by the Senate of September 12, 1950. On the 29th of September 1950, it was discovered that there was an error in the bill as it went to the White House. House Concurrent Resolution 286 was introduced by the then chairman of this subcommittee, Mr. Byrne, of New York, to return the bill for correction, that the Congress might promptly help Mr. Massey. That was the purpose of the Congress, and the bill was approved by the President on September 28, 1950, private law file No. 1036.

In the 82d Congress, Mr. Bryson did not introduce a bill, for the reason that the matter was in the court. It then came back, and in the 83d Congress, Mr. Bryson introduced a bill, H. R. 1327, for an appropriation.

That is the history of it up to this time.

Mr. FORRESTER. I might ask, Congressman, do you have the number of the report and the page, showing where this case would appear in the district court and in the circuit court of appeals?

Mr. ASHMORE. I hand you this. I do not know whether that will give it or not.

Mr. FORRESTER. It does not say where it might be, but we might identify this, which is a part of the record from the United States Court of Appeals for the Fourth District. It is case No. 6440, wherein Waymon H. Massey was the appellant, and the United States of America was the appellee. It was decided on July 24, 1952; the case before the court of appeals being by reason of an appeal from the United States District Court for the Western District of South Carolina. That will sufficiently identify the case in the record.

As I understand it, that completes the record, and closes our work.

(Whereupon, at 4:03 p. m., the subcommittee adjourned.)

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Calendar No. 1758

84TH CONGRESS, 2d Session } SENATE { REPORT No. 1738

GRANTING THE STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. J. Res. 163]

The Committee on the Judiciary, to which were referred certain cases in which the Attorney General has recommended suspension of deportation, having considered the same, reports favorably to the Senate an original joint resolution in connection therewith, and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to grant permanent residence in the United States to 6 aliens in accordance with the provisions of section 244 (d) of the Immigration and Nationality Act (66 Stat. 216–217; 8 U. S. C. 1254 (d)), upon payment of a fee of $18.

STATEMENT OF FACTS

Section 19 (c) of the act of February 5, 1917, as amended (54 Stat. 671; 56 Stat. 1044; 62 Stat. 1206), provided in substance that the Attorney General may suspend deportation and adjust the immigration status in the United States of certain deportable aliens. Under this provision of the law, aliens subject to deportation on the so-called technical charges may have their deportation suspended for 6 months if they are persons of good moral character and if their deportation would result in a serious economic detriment to a citizen of the United States or legally resident alien, who is the spouse, parent or minor child of such deportable aliens. The privilege does not run in favor of persons subject to deportation as subversives, narcotic-law

violators, criminals, immoral persons, and certain persons ineligible to citizenship.

Under that statute, the Attorney General's adjudication in the cases of aliens applying for relief thereunder is not final. A record of the alien applicant's entry for permanent residence in the United States may not be created unless, pursuant to the Attorney General's report on all the pertinent facts involved in each case, the Congress passes a concurrent resolution stating in substance that it favors the granting of relief to the alien. The Congress may pass such concurrent resolution either during the session of Congress at which the case was reported by the Attorney General, or during the session next following. The payment by the alien of a fee of $18 is an additional statutory requirement to be complied with before a record of his entry for permanent residence in the United States is created.

In the course of the year 1952, the Attorney General referred to the Congress six cases of aliens which, in the opinion of the Committees on the Judiciary of the House and of the Senate, required the submission of additional evidence before a determination could be made as to whether or not the cases merited congressional approval. In each case included in this joint resolution an additional check has been made to determine whether or not the alien (*a*) has met the requirements of the law, (*b*) is of good moral character, (*c*) is possessed of strong equities which would warrant the granting of the status of permanent residence, and (*d*) his residence in the United States would not be contrary to the public interest.

Since the two sessions of Congress in which the Attorney General's recommendation could be confirmed through the passage of a concurrent resolution have lapsed, it is necessary to take action through the passage of a joint resolution, giving it the effect of a private law, granting to each of the aliens named in this measure the privilege to reside permanently in the United States, such residence commencing on the enactment date of this legislation.

The committee, after consideration of all the facts in each case referred to in the joint resolution (S. J. Res. 163), recommends that the joint resolution do pass.

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Calendar No. 1759

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1739

ISABEL TRE

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 146]

The Committee on the Judiciary, to which was referred the bill (S. 146) for the relief of Isabel Tre, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Isabel Tre. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is a native of an independent country of the Western Hemisphere.

STATEMENT OF FACTS

The beneficiary of the bill is a 74-year-old native and citizen of Brazil, who last entered the United States on July 21, 1952, as a visitor, at which time she accompanied her employer, Mrs. Stella Rambo, who is a United States citizen. The beneficiary has been employed by Mrs. Rambo for 43 years as a domestic and practical nurse. Mrs. Rambo is a widow, and prior to her husband's death in 1946, he was a practicing dentist in Brazil for a number of years. Mrs. Rambo states that she considers the beneficiary a member of the family and will continue to provide her support.

A letter, with attached memorandum, dated November 24, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with

reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 24, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3870) for the relief of Isabel Tre, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee.

This alien, although a native of a nonquota country, is not eligible to receive a visa inasmuch as she is unable to read or write any language or dialect.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING ISABEL TRE, BENEFICIARY OF S. 3870

Isabel Tree, whose true name appears to be Isabel Tre, is an unmarried female, a native and citizen of Brazil, born on July 3, 1881, at Areal, State of Rio, Brazil. She last entered the United States at New York, N. Y., on July 21, 1952, as a temporary visitor accompanying her employer, Mrs. Stella Tate Rambo. She has no near relatives either in the United States or abroad.

The beneficiary was granted extension of temporary stay in the United States; the last such extension expired on November 18, 1953. Subsequent application for extension of stay was denied on August 9, 1954, and she was granted to September 8, 1954, in which to effect her departure from the United States. On October 19, 1954, a warrant for the arrest of Isabel Tre was issued charging violation of section 241 (a) (9) of the Immigration and Nationality Act, in that, after admission to the United States as a nonimmigrant, to wit, a visitor for pleasure under section 3 (2) of the Immigration Act of 1924, she failed to comply with the conditions of such status. This warrant of arrest has not as yet been served on the beneficiary.

Isabel Tre has been employed by Mrs. Stella Tate Rambo, her present employer, for the past 43 years in the capacity of a domestic servant and practical nurse. At the present time she receives $80 per month plus all maintenance. She has no formal schooling and is unable to read or write any language or dialect. She is entirely dependent on her employer. Subject states she has never engaged in any political activities and there is no available evidence to indicate that she is or has ever been a member of any subversive organization.

Mrs. Stella Tate Rambo, the sponsor of this bill, is a citizen of the United States, born in Tate, Ga., on July 14, 1877. She resided in Rio de Janeiro and Petropolis, Brazil, with her husband from 1910 to 1952. Her husband, Preston A. Rambo, a native-born United States citizen, was a practicing dentist in Rio de Janeiro. He died on July 13, 1946, and Mrs. Rambo returned to the United States on July 21, 1952. Mrs. Rambo is an invalid, confined to a wheelchair and the beneficiary's sole job is taking care of Mrs. Rambo. Mrs. Rambo at the time of interview stated that she feels responsible for the beneficiary and considers her to be a member of her family and should it be necessary that the beneficiary leave the United States she would continue to see that the beneficiary was provided for. Mrs. Rambo estimates her net worth at $250,000, and income from stocks and bonds at $10,000 per year.

Senator Richard B. Russell, the author of the bill, submitted the following information in support of the bill:

I, William Preston Rambo, son of Stella Tate Rambo, residing at 511 Washington Avenue, Marietta, Ga., hereby declare:

That my mother is an invalid, confined to a wheelchair due to loss of one leg by amputation; that because of her physical disability and her advanced age of 77 years she is absolutely and greatly dependent on services and assistance of Isabel

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Tre, who has served her continuously for these past 43 years; that my mother as well as myself assume full responsibility for the financial care and well-being of Isabel Tre; that Isabel Tre has no other home or family, and is as dependent on my mother as my mother is on her.

WILLIAM PRESTON RAMBO.

REPUBLIC OF PANAMA, CITY OF PANAMA,
Embassy of the United States of America, ss:

Subscribed and sworn to before me this 22d day of November 1954.

[SEAL] LAURENCE E. AINSWORTH,
Vice Consul of the United States of America.

MARIETTA, GA., *August 14, 1954.*

Senator RICHARD B. RUSSELL: This is to certify that Isabel Tre is a person of high character and noble purpose. She has faithfully served Mrs. Preston Rambo for some thirty-odd years and is absolutely necessary to the care of Mrs. Rambo since she is totally disabled because of the loss of her leg.

W. H. BENSON, M. D.

[SEAL] RUTHE COX,
Notary Public, Cobb County, Ga.

My commission expires January 21, 1958.

FIRST METHODIST CHURCH,
Marietta, Ga., August 14, 1954.

Senator RICHARD B. RUSSELL,
Washington, D. C.

The Honorable Mr. Russell or Whom It May Concern:

DEAR SIR: I have known Mrs. Stella Tate Rambo during the past 2 years. She is an active member of our church. Mrs. Rambo is a wheelchair invalid and is entirely dependent upon Isabel Tre, her personal attendant.

Isabel has cared for Mrs. Rambo for a great many years and it would be almost impossible to replace her. Isabel is very happy in her work and desires to continue her relationship with Mrs. Rambo. To do this she will have to have permament residence granted her.

I will consider it a personal favor if you will do your best to make it possible for Isabel to stay in the States and continue to care for my good friend, Mrs. Stella Tate Rambo.

Many thanks for your fine service as our Senator.

Very truly yours,

PAUL A. TURNER, *Pastor.*

RUTHE COX,
Notary Public, Cobb County, Ga.

My commission expires January 21, 1958.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 146) should be enacted.

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Calendar No. 1760

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1740

ELLI YORGIYADIS

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1364]

The Committee on the Judiciary, to which was referred the bill (S. 1364) for the relief of Elli Yorgiyadis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Elli Yorgiyadis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 40-year-old native and citizen of Turkey, who last entered the United States on June 21, 1953, as a visitor. She was previously admitted to the United States on April 3, 1947, accompanied by her mother, who has since obtained an adjustment of her status to that of a permanent resident. The beneficiary departed from the United States on October 13, 1949. The beneficiary and her mother reside with and are supported by, their brother and son, respectively. He is a United States citizen and is employed as an engineer by the Sandia Corp. in connection with atomic energy installations. The mother is elderly and in poor health, and needs the beneficiary to assist in her care.

A letter, with attached memorandum, dated June 7, 1955, to the chairman of the Senate Committee on the Judiciary from the Com-

missioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 7, 1955.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1364) for the relief of Elli Yorgiyadis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Albuquerque, N. Mex., office of this Service which has custody of those files.

This bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Turkey.

Sincerely,

——— ———, *Commissioner.*

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING ELLI YORGIYADIS, BENEFICIARY OF S. 1364

The beneficiary is a citizen of Turkey by birth on November 14, 1915, at Istanbul, Turkey. She is single and resides with her mother, Evantiya Yorgiyadis (or Yorgiadis, beneficiary of S. 68, 84th Cong.), and a United States citizen brother, Alexander Yorgiyadis, at 708 Palomas Drive NE., Albuquerque, N. Mex. Her father is deceased and she has a brother and a sister living in Istanbul, Turkey. Her education, obtained in Turkey, is equivalent to completion of high school here. She is unemployed and has no income, and is supported by her brother, Alexander Yorgiyadis, who is employed as an engineer by the Sandia Corp., Albuquerque, N. Mex. This brother also supports the mother of the beneficiary and assists in the support of the brother and sister in Turkey.

Miss Yorgiyadis last entered the United States on June 21, 1953, at New York, N. Y., and was admitted as a visitor for pleasure for a period of 6 months, which was later extended. A warrant of arrest in deportation proceedings in her case was issued on May 17, 1955, on the ground that her status as a visitor for pleasure has terminated, and proceedings thereunder are pending.

Senator Clinton P. Anderson, the author of the bill, submitted the following information in support of the bill:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
June 17, 1955.

HON. HARLEY M. KILGORE,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: Reference is had to S. 1364, for the relief of Elli Yorgiyadis. Elli Yorgiyadis is the daughter of Evantiyi Yorgiyadis, for whom S. 68 was passed in the last session of Congress. She is the sister of Alexander Yorgiyadis, a citizen who lives in Albuquerque, N. Mex. Alexander Yorgiyadis is unmarried, and his sister and mother are entirely dependent on him for their support.

Mr. Evantiyi Yorgiyadis came to this country for medical treatment, and her daughter accompanied her in order to take care of her mother and to be with her during the illness. Elli Yorgiyadis is unmarried; and as far as I am able to ascertain, has never been married.

Mr. Alexander Yorgiyadis is employed by the Sandia Corp., as an engineer in connection with the atomic energy installations at Sandia Base at Albuquerque. It is my understanding that he is engaged in very necessary and important work. Inasmuch as the two Yorgiyadis women are entirely dependent on him and they are the only family he has or expects to have, according to Mr. Yorgiyadis, I believe that it would be to the interests of our country for Mr. Yorgiyadis to have his family with him. Therefore, I introduced the bill this session in behalf of Elli Yorgiyadis.

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While I am not personally acquainted with these people, I do know that they have many friends in Albuquerque and are considered to be fine folks. I sincerely hope that the bill for Elli Yorgiyadis, S. 1364, will be favorably reported at an early date.

Sincerely yours,

CLINTON P. ANDERSON.

ALBUQUERQUE, N. MEX., *February 14, 1955.*

Hon. CLINTON P. ANDERSON,
United States Senate, Washington, D. C.

DEAR SENATOR ANDERSON: Your letter of February 7 brought to us some welcome news and I thank you very sincerely for introducing bill S. 68 on behalf of my mother. I would be very grateful to you if you could also introduce a bill on behalf of my sister, and am giving you below information concerning her.

My sister, Miss Elli Yorgiadis, a native citizen of Turkey, was first admitted to the United States as a temporary visitor on April 3, 1947. She then came to the United States with my sick mother, to accompany her and take care of her. My sister lived with me and my mother, and stayed at my mother's bedside throughout her long sickness. In 1949, the Immigration Department refused to grant further extensions to my sister. I was very anxious to keep my sister with me, and consulted my lawyer, Mrs. Leider, who said that there was nothing that could be done since the Turkish quota was oversubscribed for many years ahead. My sister therefore left the United States on October 13, 1949, when her extension expired. This resulted in great financial burdens to me, it disrupted our family life, and caused great anguish to my mother, which endangered her health.

In spring 1953, I accepted a position at Sandia Corp., which meant that I had to move from Connecticut to New Mexico. This work was beyond the energies of my aged mother, and I decided to invite my sister, since we were very anxious to see her after 4 years of separation. My sister was admitted as temporary visitor a second time on June 21, 1953, and has remained in the United States ever since, through periodic extensions. Her last extension expired on December 19, 1954. Prior to this date we applied for another 6 months' extension, and were advised by the Immigration Service that they will approve this last extension provided a $500 departure bond is posted. I complied with their request on January 13, by depositing this sum with a bonding company, and notifying them.

I am very concerned that unless a bill is passed for my sister, we will again go through the unpleasant experiences we went through in 1949. I am afraid that this time the consequences for us will be more severe. My sister was born in Istanbul, Turkey, on November 14, 1915. She has never been married, and has not been employed. She is fully dependent on me for financial support.

Sincerely yours,

ALEXANDER YORGIADIS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1364) should be enacted.

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Calendar No. 1761

84TH CONGRESS, 2d Session | SENATE | REPORT 1741

MARIO FARABULLINI AND ALLA FARABULLINI, HIS WIFE

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1885]

The Committee on the Judiciary, to which was referred the bill (S. 1885) for the relief of Mario Farabullini and Alla Farabullini, his wife, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mario Farabullini and Alla Farabullini, his wife. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 51- and 52-year-old husband and wife. The husband is a native and citizen of Italy and the wife is a native of Russia and a citizen of Italy. They both arrived in the United States at New York, N. Y., on October 18, 1947, as visitors. They are both employed and presently reside in Newark, N. J. They have no children and no relatives in the United States. Information is to the effect that both beneficiaries were very pro-American in Fascist Italy, the wife having been arrested by Fascist police for listening to American broadcasts and having been accused of being an American spy. It is stated further that after the United States troops entered Italy, both beneficiaries were extremely helpful to Army Intelligence.

90006°—57 S. Rept., 84-2, vol. 6——72

A letter, with attached memorandum, dated November 5, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3881, which was a bill pending in the 83d Congress for the relief of the same aliens, reads as follows:

NOVEMBER 5, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3881) for the relief of Mari Farabullini, and his wife, Alla F. Farabullini, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Newark, N. J., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the male beneficiary is Mario Farabullini.

This bill would grant these aliens the status of permanent residents in the United States upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate quota or quotas.

As quota immigrants, the male beneficiary is chargeable to the quota of Italy, and the female beneficiary is chargeable to the quota of Russia.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIO FARABULLINI AND ALLA F. FARABULLINI, BENEFICIARIES OF PRIVATE BILL (S. 3881)

Mario Farabullini, an Italian citizen, was born in Frascati, Rome, Italy, September 9, 1904. Alla F. Farabullini, maiden name, Alla Rostowa, an Italian citizen by virtue of her marriage to Mario Farabullini, was born in Moscow, Russia, November 18, 1903. Their last foreign address was Santore Santa Rosa No. 19, Florence, Italy. They arrived at New York, N. Y., October 18, 1947, and were detained at Ellis Island, New York Harbor, until November 18, 1947, at which time they were admitted by a board of special inquiry as temporary visitors for a period of 4 months. Each posted a $500 departure bond. Three extensions of stay were granted, the last to September 16, 1949. Warrants of arrest were served on them. Deportation hearings culminated in an order of deportation. They were released on parole. The $500 departure bonds were declared breached on April 15, 1951. The privilege of voluntary departure, in lieu of deportation, was granted and extended to March 5, 1952. They failed to avail themselves of this privilege. As of March 8, 1954, they are at liberty on conditional parole, reporting in writing to this Service once a month. Private bills, H. R. 3221 introduced in the 81st Congress,

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H. R. 2661 introduced in the 82d Congress, and H. R. 656 introduced in the 83d Congress, were not acted upon.

Mario Farabullini had 6 years of grammar school and 2 years of high school in Rome, Italy. Alla F. Farabullini had 10 years of primary school in Moscow, Russia, premedical course at Columbia University, N. Y., 1923–24, and veterinary course at university in Naples, Italy, 1938–40. She did not receive a degree. The male beneficiary has been steadily employed by Hammett School Supply Co., Union City, N. J., since March 1953 as a shipping clerk, earning $60 per week. The female beneficiary has been employed by Dr. Linde, veterinarian, 631 Eagle Rock Avenue, West Orange, N. J., as his assistant since June 1954, earning $50 per week. She previously was employed in the same capacity by two veterinarians in Essex County, N. J. Their assets consist of about $150 deposited in a savings bank, furniture worth about $450, and a 1937 Plymouth automobile worth about $50. They have no other personal or real property in the United States or abroad. Mario Farabullini served with the Italian Army as a sergeant from 1924 to 1925. He served as a boxing instructor with the United States Armed Forces in conjunction with the Red Cross in Italy. Alla F. Farabullini was employed by the Allied Control Commission and the American Red Cross as a translator and expediter.

The beneficiaries were married September 2, 1931, in Montevedeo, Italy. This is their first and only marriage. No children were born of this marriage. They have no relatives in the United States. The male beneficiary's parents, two brothers and sisters, all Italian citizens, reside in Florence, Italy. The female beneficiary's parents who were Russian citizens, were killed during the Russian Revolution. Mr. and Mrs. Farabullini reside at 559 South 11th Street, Newark, N. J. They previously resided at various addresses in Essex County, N. J.

Senator Clifford P. Case, the author of the bill, submitted the following letter in connection with the case:

UNITED STATES SENATE,
June 20, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Subcommittee on Immigration,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: On May 3 I introduced S. 1885 for the relief of Mario and Alla Farabullini.

I am advised that the couple has been notified by the Immigration and Naturalization Service that deportation has been deferred until August 1, pending congressional action on this legislation.

It is my understanding that this legislation has passed the House of Representatives on one occasion and it is desirable that the Senate consider a bill for the relief of this couple before the House takes it up again.

In previously passing identical legislation, the report of the House Judiciary Committee pointed to the fine record that these people

made during World War II when American troops entered Italy. For example, I have learned from Mr. Harold V. Reilly, city manager of Hackensack, N. J., who was then in Allied Military Government, to the effect that the Farabullinis rendered outstandingly patriotic, pro-American deeds in the war and occupation periods. I am assured that these people will make excellent American citizens and I feel that they have earned the right to remain in this country.

Prompt consideration of my bill will be very much appreciated, and I hope you will agree this is in order. Representative Hugh J. Addonizio, of New Jersey, and Representative William B. Widnall, of New Jersey, have both expressed strong interest on behalf of the Farabullinis. They are certain that the House will act expeditiously, as it has in the past, once the Senate takes the initiative in this regard.

Sincerely,

CLIFFORD P. CASE,
United States Senator.

The following information was contained in House Report No. 1973 of the 82d Congress which was submitted in connection with H. R. 2661, a bill then pending for the relief of the same beneficiaries:

CITY OF HACKENSACK,
Hackensack, N. J.

STATE OF NEW JERSEY,
County of Bergen, ss:

Harold V. Reilly, of full age, being duly sworn upon his oath according to law, deposes and says that:

1. I am a natural-born citizen of the United States of America, and State of New Jersey, and reside at 321 Park Street, Hackensack, N. J. I am 54 years of age. Since 1948 I have been city manager of the city of Hackensack. Prior to 1948 I was senior partner in a public accounting firm.

2. I hold the rank of lieutenant colonel, ORC AUS, and I am presently serving as executive officer for civil affairs with the 303d Military Government Group ORC.

3. During 1944, 1945, and 1946 I was the civil affairs officer with the United States Army assigned in and about the city of Florence, Italy. From May of 1945 to July of 1946, I represented the Allied Commission in Italy as its liaison officer for all of Tuscany. During the course of my work in Tuscany, I became acquainted with Alla Farabullini and Mario Farabullini.

4. I can say, of my own knowledge, that Mario and Alla Farabullini were not only pro-Ally in their thoughts and actions, but did in fact render real service to the United States Armed Forces. Both were of extreme help to Army Intelligence. Mrs. Farabullini was employed for a time by the Allied Control Commission, and both Mr. and Mrs. Farabullini were employed by the American Red Cross. Mr. Farabullini worked as an athletic instructor with an American Army division. Later they both rendered great service to me, without pay, in my duties with the Allied Commission as its liaison officer, particularly prior to and during the constitutional election, of which I was the official Allied observer for Tuscany.

5. I know that Mrs. Alla Farabullini had been a member of the anti-Fascist underground and was arrested by the enemy, because of her pro-Ally views, as an American spy. She escaped from prison and

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went into hiding until the time of the taking of Florence by our Allied troops.

6. I know that there is little future for the Farabullinis in Italy.

They have lost practically all of their worldly possessions because of their pro-Allied feelings, and I know, too, from personal observation, and careful inquiry, that this honest, intelligent, and industrious couple would be a real asset to our country as residents and eventual good citizens.

HAROLD V. REILLY,
Lieutenant Colonel, ORC, AUS,
formerly a commissioner of the Allied Commission, Italy.

Sworn and subscribed to before me this 7th day of March 1952.

[SEAL] ETHEL M. HUNT,
Notary Public of the State of New Jersey.

STATEMENT No. 8698

REPUBLIC OF ITALY

Year of 1950, month of March the 14th day at No. 121 Ghibellina Street in Florence at my notary public's office, before me Dr. Francesco, son of Ernesto Fontana, notary public, resident in Florence and inscribed in the list of the united notary public districts of Florence and Pistoia with the office of Ghibellina street No. 121; without assistance of testimonies having tbe appearer, who has the requisite of the law, expressly renounced with my consent, has personally constituted Mr. Giotti Mario, son of Guido, born and resident in Florence in De Neri Street No. 1, professional boxer.

The appearer of whose personal identity I, notary public, am sure and who before all declared to be Italian citizen has requested of me to receive the present act from which in valid legal form results what comes further; that is, the following declaration of his:

About 6 months previous to the arrival of the Allies in Florence one day—I do not remember the precise date—in the morning about 9:30 a. m., I happened to be present in the Via De Servi and I saw Mrs. Farabullini, wife of my dear friend, Mario Farabullini, boxing instructor of whom I was the pupil, in the middle of two Fascist guards. By the behavior of the lady I immediately understood that something very grave had happened to her. I was trying to approach her and exchange words with her, but my fear was reconfirmed more by her looks than by words. Immediately I ran to the gymnasium and told Mario Farabullini what I saw. Farabullini, very much worried because his wife being of American origin, came with me to the Fascist headquarters in De Servi Street, where by good luck we say Mr. Biadi. I do not remember his first name. He held certain rank in Mililia and was boxing referee and thus a friend of Farabullini. We learned that the lady was reported for listening constantly to American radio stations and was suspected of being a spy in the service of the Allies. For this imputation she was arrested and was running serious risks; before all she was to be consigned to the German headquarters in Villa Triste. The ill-fated memory for the whole of Florence in Bologna Street.

Biadi, perplexed in front of responsibility he was assuming, but also very sensible to the friendship and esteem he had for Farabullini, acted in the way that the lady was released; destroying the report and begging Farabullini and his wife to disappear immediately and keep themselves hidden in the best possible way to avoid similar events. It is certain to me that Mrs. Farabullini had done activities with partisans, prior to the liberation.

By request I, notary public, have received the present hand written by person in whom I have faith and in part by my own bond in about 4 pages of this paper stamped with 32 lires. The same was read by the appearer who gave approval and ratification and signed it with me, notary public, by the form of the law.

F. to Giotti Mario.

(Signed) Dr. FRANCESCO FONTANA, *Notary.*

Copy with forms to its original will be released by request of the party interested.

The above copy was translated by me to the best of my knowledge.

[SEAL] ANTONIO CELLA,
26 Main Street, East Orange, N. J.

License expires July 13, 1950.

TWIN CITIES TRAINING SCHOOL, INC.,
Kansas City, Mo., June 15, 1948.

To Whom It May Concern:

This is to certify that Mario Farabullini did work for me as physical education instructor in Ricciona, Lucera, and Catolica, Italy.

As American Red Cross club director, I found Mario to be faithful, reliable, and conscientious in his work with the American soldiers. I understand that he is a former pugilist of fame and I would recommend him for similar work or any other which he deemed himself qualified to do.

J. R. LILLARD,
Formerly With the American Red Cross, Overseas Division, Assigned to M. T. O.; at Present, Secretary-Treasurer of Twin Cities Training School, Inc.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1885) should be enacted.

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Calendar No. 1762

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1742

GIUSEPPE CULCASI

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2095]

The Committee on the Judiciary, to which was referred the bill (S.2095) for the relief of Giuseppe Culcasi, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Giuseppe Culcasi. The bill provides for the payment of the required visa fee. No quota charge is provided for inasmuch as the beneficiary is entitled to nonquota status as the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 55-year-old native and citizen of Italy who first entered the United States at New York on December 18, 1947, for permanent residence. In 1930 he married a United States citizen in Italy and in 1947 when he applied for a visa as the husband of an American citizen, he failed to apprise the consul of his police record. He had served a year in prison in 1927 for theft involving $30 worth of olive oil. The beneficiary presently resides with his wife and daughter in Detroit, Mich., where he is employed by the Ford Motor Co. He is their sole support. A son is serving with the United States Armed Forces in Korea. Information in the committee files is to the effect that the beneficiary has had a perfect record as a law-abiding person since coming to this country.

A letter, with attached memorandum, dated December 16, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3557 which was a bill pending in the 83d Congress for the relief of the same beneficiary reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., December 16, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3557) for the relief of Giuseppe Culcasi, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It further directs that one number be deducted from the appropriate immigration quota.

As the spouse of a citizen of the United States, the beneficiary, if otherwise admissible, is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GIUSEPPE CULCASI, BENEFICIARY OF PRIVATE BILL S. 3557

The beneficiary, a native and citizen of Italy, was born on March 17, 1901. He entered the United States at the port of New York on December 18, 1947, when he was admitted for permanent residence. He last entered the United States on or about February 23, 1952, at Detroit, Mich., after a short visit to Canada.

Deportation proceedings were instituted against the beneficiary on August 12, 1952. He has been found to be subject to deportation on the grounds that at the time of last entry, he was an immigrant not in possession of a valid immigrant visa and not exempted from the presentation thereof by said act or regulations made thereunder, and that he has been convicted of the crime of theft prior to entering into the United States. On December 10, 1953, the Board of Immigration Appeals denied the beneficiary's application for suspension of deportation but authorized voluntary departure in lieu of deportation. The beneficiary has been granted extensions of time to effect his departure from the United States.

The beneficiary resided in Italy all his life prior to his entry into the United States. He served in the Italian Army for approximately 2 years from 1919 to 1921 and again for 6 months in 1939. His conviction for theft occurred at Palermo, Italy, in 1929. He was sentenced to serve 2 years in prison, but 1 year of this sentence was suspended.

On October 28, 1930, the beneficiary was married in the city of Custonace, Province of Trapani, Italy, to Maria Solitros, a United States citizen. On November 6, 1947, the beneficiary obtained an immigrant visa as the husband of a United States citizen. At the time of his application for the visa the beneficiary failed to disclose his criminal record. He has admitted that he made false statements in his application for an immigrant visa before the American consul in Palermo, Italy, on November 6, 1947.

The beneficiary resides with his wife and daughter at 12548 Dresden Avenue, Detroit, Mich. His son, Nickolo, is presently serving with the Armed Forces of the United States. He is employed by the Ford Motor Co. as a lathe operator and earns $1.94½ per hour.

In addition to the beneficiary's one arrest and conviction for theft in 1923, he has admitted to the following police record in Italy:

December 14, 1932: Acquitted on an extortion charge by criminal court of Trapani.

April 15, 1934: Sentenced by the Lower Court of Erice to pay a 100-lire fine for illegal possession of blasting powder.

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September 26, 1939: Acquitted by the Lower Court of Erice for a violation of a highway ordinance.

August 2, 1940: Arrest for violation of a highway ordinance dismissed because subject paid the fine before trial.

Senator Charles E. Potter, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
Washington, D. C., June 7, 1955.

Re S. 2095, Giuseppe Culcasi.

Hon. HARLEY M. KILGORE,
Chairman, Senate Committee on the Judiciary,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Herewith documentation presenting a complete history of Mr. Culcasi's case as well as copy of decision of immigration hearing officer dated September 15, 1952, copy of Immigration's December 10, 1953, appeal denial, and copy of May 13, 1955, decision, an order of the Board of Immigration Appeals.

Your attention is drawn in particular to the comment of the Board, "It is conceded that the record presents a strong case in all respects for discretionary relief."

It is my belief this case is deserving of your committee's favorable consideration. Mr. Culcasi's wife is an American citizen. They have 2 children; a son, age 22 and a daughter, age 17. The son is in the service of the United States Army, stationed in Korea. Mr. Culcasi has been in the employ of the Ford Motor Co. steadily and constantly since he entered this country. I am informed his record there is exemplary. He is purchasing his own home at 12548 Dresden, Detroit. Father Benedict Ferretti, pastor of Holy Family Church, 641 Hastings Street, Detroit, is very interested in this case and on May 31, 1954, wired former Senator Ferguson soliciting his assistance. The telegram reads as follows:

"Regarding Giuseppe Culcasi, can assure you his is a most worthy case deserving opportunity to remain here with his family. He has no record of arrests or convictions in the United States. He is employed steadily and loves and supports his family."

Sincerely yours,

CHARLES E. POTTER,
United States Senator.

DETROIT, MICH., *June 3, 1955.*

Re Giuseppe Culcasi, S. 2095.

Hon. CHARLES E. POTTER,
Capitol Building, Washington, D. C.

MY DEAR SENATOR: This letter is written in reference to S. 2095 which you so kindly introduced on May 27 in behalf of Giuseppe Culcasi. Your administrative assistant, Raymond C. Anderson, who most courteously received me on May 25, suggested that we furnish a complete history of the case and that we also submit evidence that might be presented to the Immigration Subcommittee of the Senate Judiciary Committee to support the bill.

As you know, the writer is associated in the case with attorney James V. Bellanca, 1200 National Bank Building, Detroit, and we are assembling evidence which we hope will assist in the presentation. The pertinent facts regarding our client follow.

Giuseppe Culcasi is a native and citizen of Italy, 54 years of age, born on March 17, 1901. His wife, Maria, is a citizen of the United States through birth at Detroit, Mich., on November 10, 1907. She is completely dependent upon her husband for support. Culcasi has two children, both citizens of the United States. His daughter, Sebastiana, was born in Italy on January 19, 1936, and was a citizen at birth through her mother. She also depends upon her father for support. His son, Nicola, was born January 18, 1933, in Italy and is a citizen through naturalization. He is now serving in the Armed Forces of the United States in Korea; and Mr. Culcasi has not seen his son since December of 1953, when he left this country for service overseas.

Mr. Culcasi was admitted for permanent residence as an immigrant at New York City on December 18, 1947. He had been convicted in Italy on August 9,

1929, over 25 years ago, of the crime of "qualified theft", which appears to be the equivalent, under our statutes, of receiving stolen goods. He was charged with the "qualified theft" of about $30 worth of olive oil and received a sentence of 1 year.

Culcasi has an additional criminal record which, when explained, does not in any way militate against his good character. In 1932 he was arrested for extortion. This arrest involved the theft of a bicycle stolen by another person. The bicycle was identified by Culcasi, who reported to the owner. After the investigation Culcasi was absolved of any implication and the thief was ordered to make restitution.

On April 15, 1934, Culcasi was fined for possession of blasting powder. This fine resulted from the fact that at that time he was under contract with a local railroad to furnish stone for foundation work. Part of his job was to dynamite stone at a quarry for delivery where designated. The blasting powder was furnished by the railroad on requisition. On the occasion in 1935 severe storms caused cessation of work and Culcasi brought about 8 ounces of powder or gelatin to his home. It was illegal to have an explosive in a private dwelling, although Culcasi showed that the powder was purchased in a legal manner and that he had a right to its possession. The small fine followed.

Comment need hardly be made concerning the violation in 1940 of a highway ordinance, as this offense appears to be the equivalent of a traffic violation in the United States.

The Immigration and Naturalization Service has recognized that these minor offenses have no bearing on the case whatsoever. They are only concerned with the conviction for "qualified theft" of the olive oil.

Under the Italian law after a period of rehabilitation, in appropriate cases, the police records are corrected to eliminate the record of prior conviction. When Culcasi sought his immigration visa, therefore, the police record from the Italian authorities contained no record of the theft conviction. It is most important, we feel, that the special inquiry officer who heard the case stated in his decision that "there is no evidence in the record of hearing that the respondent deliberately mislead the American consul at the time of the issuance of the immigration visa".

This finding is also borne out by the fact that when Mr. Culcasi sought to become naturalized he disclosed the arrest and conviction in his application form. The case then presented a ground of deportability because of conviction of a crime prior to entry, and deportation proceeding followed.

During the immigration proceedings it was formally determined that Mr. Culcasi was a person of good moral character. No relief is available to him, however, as it has been determined that his visa was invalid because of the conviction prior to its issuance. The present law providing for suspension of deportation in certain cases is inapplicable as Mr. Culcasi has not accumulated 10 years' residence in the United States.

I am enclosing herewith copy of the decision of the special inquiry officer dated September 15, 1952; copy of decision of the Board of Immigration Appeals dated December 10, 1953; and copy of the last decision rendered by the Board on May 13, 1955, which denied motion to reopen. These records give a complete history of the case.

The Board of Immigration Appeals in its order of May 13, 1955, commented: "It is conceded that the record presents a strong case in all respects for discretionary relief." After reviewing the motion the Board further stated, however:

"Under existing conditions and for the reasons set forth above we are without authority to alleviate in any way the respondent's plight. In our previous order we authorized voluntary departure which we concluded was the maximum discretionary relief available. It is noted that further efforts will be initiated to adjust the respondent's status in the United States through the media of private legislation."

We believe the Board in the above paragraph states, in effect, that it would favor the introduction of a private immigration bill to alleviate the hardship that will be inherent in deportation.

At the present time there is an outstanding warrant of deportation, and the Immigration and Naturalization Service officers at Detroit state that they have no alternative but to proceed with deportation in the very near future unless instructions to stay deportation due to the pendency of private legislation are received from the Central Office in Washington.

Mr. Culcasi was the beneficiary of a private immigration bill (S. 3557) introduced by Hon. Homer Ferguson in the Senate on June 4, 1954, which bill was not

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acted on in the 83d Congress. It is our understanding that as long as Senator Ferguson's bill did not receive attention by the Immigration Subcommittee of the Senate Judiciary Committee there is no prejudice to the introduction of a new bill in the following session.

Mr. Culcasi asks me to tell you how thankful he is for your intervention in his behalf, and Mr. Bellanca and I take this opportunity to thank you and your staff for your many kind courtesies.

Respectfully yours,

ROBERT F. BODE,
Attorney and Counselor.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2095) should be enacted.

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Calendar No. 1763

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1743

MARIA NOVAK

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2244]

The Committee on the Judiciary, to which was referred the bill (S. 2244) for the relief of Maria Novak, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for second-preference status in the issuance of an immigration visa, which is the status normally enjoyed by the alien parents of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 59-year-old native and citizen of Yugoslavia, who presently resides in that country. The beneficiary's only son is a naturalized citizen of the United States and is anxious to have his mother join him in this country. He is willing and able to furnish the beneficiary's support if she is permitted to enter the United States. The beneficiary has never married, and therefore has been unable to qualify for a second-preference visa as the parent of a United States citizen.

A letter, with attached memorandum, dated October 28, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 28, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2244) for the relief of Maria Novak, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill is intended to confer preference quota immigration status upon the beneficiary by providing that she shall be considered the alien parent of a United States citizen within the meaning of section 101 (b) (2) of the Immigration and Nationality Act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA NOVAK, BENEFICIARY OF S. 2244

Information concerning the case was obtained from Mr. Janvid John Staut, son of the beneficiary.

Maria Novak, a native and citizen of Yugoslavia, was born on October 27, 1896. She has never married, has one child, and resides at Zrinjskega No. 13, Ljubljana, Yugoslavia, where she is employed as a wrapper in a newspaper office. The beneficiary completed elementary school. She has no assets, and information regarding her income is not available. She has 3 brothers and 1 sister residing in Yugoslavia. She has never been in the United States and has apparently been unable to secure an immigrant visa because the Yugoslavian quota is oversubscribed.

Janvid John Staut resides at RFD 1, Willard, Wis. He is married, has 3 minor children, and is employed as a tool and die maker at $2.62 per hour. He owns a farm valued at $18,000, on which the encumbrance is $5,350. His personal property is valued at about $5,600. Mr. Staut entered the United States in 1937, had his name legally changed from Janez Janvid Novak, and was naturalized at Milwaukee, Wis., on April 29, 1942. He stated that it is his intention to provide the beneficiary a home and support if she is permitted to enter the United States.

Senator Alexander Wiley, the author of the bill, submitted the following information in connection with the case:

UNITED STATES SENATE,
February 24, 1956.

Re S. 2244.

Hon. HARLEY M. KILGORE,
Chairman, Subcommittee on Immigration,
Senate Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: I am enclosing a statement of Janvid John Staut in connection with his efforts to bring his mother to the United States.

I will appreciate it if you will place this statement in the file so that it maybe considered along with the other evidence.

Sincerely yours,

ALEXANDER WILEY.

NEILLSVILLE, WIS., *February 20, 1956.*

COMMITTEE ON IMMIGRATION,
Washington, D. C.

HONORABLE SIRS: I, Janvid John Staut, being a naturalized citizen of the United States of America, and being first duly sworn on oath, depose and say that the following are the facts as listed by me and as in reference to S. 2244, a bill for the relief of Maria Novak. I further depose and say that the majority of my correspondence in my endeaver to have my mother, Maria Novak, immigrate to this country was handled through the clerk of court's office of Clark County, Neillsville, Wis.:

I started July 30, 1953, with my petition and supporting affidavits which I sent to the Immigration and Naturalization authorities in St. Paul, Minn.

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Under date of October 7, 1953, I heard from the American Embassy, Belgrade, Yugoslavia, stating that my mother, Maria Novak, had not yet applied for visa services; when she would do this however she would be given a quota status.

By letter dated November 13, 1953, I was notified by the United States Department of Justice, Immigration and Naturalization Service, Chicago, Ill. (Ref. V. P. 9–5944), that my petition for issuance of immigrant preferred visa in behalf of my mother was denied for the following reasons: "There is no provision in the present immigration and nationality law under which a citizen of the United States may be granted the privilege of petitioning for and obtaining preference quota status in behalf of his or her unmarried mother unless legitimation proceedings have been completed under the law of the child's residence or domicile or under the law of the father's residence or domicile, whether in or outside the United States and such legitimation took place before the child reached the age of 18 years and the child was in the legal custody of the legitimating parent or parents at the time of such legitimation." (Further note): "Your mother should apply to the nearest American consul for a straight quota visa, at her earliest convenience."

Meanwhile, under date of November 12, 1953, Maria Novak had obtained a regular quota number, No. 21754.

Under date of November 23, 1953, I submitted to the Immigration and Naturalization Service, Chicago, two photostats from Yugoslavia giving proof of my previous residence in Yugoslavia—one being an affidavit by my mother. You will understand that now I must prove that Maria Novak was my mother in order that the United States Government would recognize her as such; therefore I had these two affidavits. However, the Immigration and Naturalization Service informed me in their reply of January 12, 1954, that these photostats were of no value to constitute legitimation of my birth and inasmuch as I apparently had failed to appeal the decision of their district office as originally outlined in their letter of November 13, 1953, the case was to be considered closed.

After the preceding notification I sent to Ellis Island, N. Y., for information on my original birth certificate and a copy thereof. All of my correspondence was mailed to St. Paul, Minn., from where I received further information under date of March 10, 1954, that I must complete still another form and send it to St. Paul. Further to this and under date of May 25, 1954, I was informed that with all of the papers I had now completed and had mailed in, none of the papers included a certificate of legitimation. Under date of June 14, 1954, I mailed postal money order No. 7–8,562,663 in the amount of $1.50 for a copy of my birth certificate which had been retained in Ellis Island, N. Y., when I first came to the United States. Until September 9, 1954, I heard nothing until on that date I received a photostatic copy of my original birth certificate, proving my birth. This photostatic copy was certified by John M. McWhorter, district counsel, Immigration and Naturalization Service, Chicago, Ill., File No. VP–9 No. 5944, and dated September 3, 1954.

Under date of February 18, 1955, I corresponded with the National Catholic Welfare Conference, Washington, D. C., in an effort to obtain a certificate of legitimation which would be subscribed to by two witnesses who had witnessed my birth in Yugoslavia and could therefore verify that I was the natural-born son of Maria Novak—for which I had previously applied for the original of my birth certificate at Ellis Island, N. Y. They informed me in their letter of March 18, 1955, that irregardless of such certification, the immigration laws of the United States would still not allow it in the records and this country would not recognize my mother.

Through this entire interim, and through the office of the clerk of circuit court, I corresponded with Senator Wiley, who was so very kind in referring me to the correct departments and Government agencies and who do so very much in helping me locate my birth certificate. This statement does not at all give a complete picture of all of the correspondence carried on with so many agencies, Government and charitable, or with the American consul in Belgrade.

On May 25, 1955, I wrote the International Institute of Milwaukee County, Inc., and they advised me of amendments which were proposed in regards to the present immigration laws. I then contacted Senator Wiley in regard to my case sending him complete details on my efforts to have my mother immigrate to this country. This was under date of June 9, 1955. Under date of June 18, 1955, Senator Wiley informed me that a bill, S. 2244, had been introduced in the United States Senate by him and for the relief of Maria Novak, that this Government would recognize her as my legal mother. Following this, Mr. E. B. Bollman, of the Immigration Service in Milwaukee came here to Neillsville and interviewed

me and my wife. I understand that a complete investigation of this case was then made at that time.

As I have heard nothing further on this bill I again contacted Senator Wiley who was very good in informing me that you would like my statement of facts concerning this entire case. I have tried to list all of the pertinent facts, and I most sincerely trust that I have outlined everything clearly. Should there be any further information that you may yet require I beg you please advise me and I will be very glad to furnish it for you.

In closing, may I thank you sincerely for the kind consideration you will give this matter. I have tried so very, very hard to have my mother with me, and I have worked so long toward this end.

I pray that you will give favorable action to this bill; that my adopted country, the United States of America, will recognize Maria Novak as my legal mother; and I shall all my life be ever grateful to you and to my country. My happiness will have no bounds.

Yours very sincerely,

JANVID JOHN STAUT.

Subscribed and sworn to before me this 20th day of February 1956.

[SEAL] JOSEPH E. FRANTZ,
Clerk of Circuit Court, Clark County, Neillsville, Wis.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2244) should be enacted.

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Calendar No. 1764

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1744

CECILE ANGELE CHAFFOO

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2563]

The Committee on the Judiciary, to which was referred the bill (S. 2563) for the relief of Cecile Angele Chaffoo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Cecile Angele Chaffoo. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Iraq, who last entered the United States on July 7, 1951, as a visitor. Her status was subsequently changed to that of a trainee exchange visitor. The beneficiary graduated from the South Carolina Baptist Hospital as a registered nurse, and in 1955, graduated from the School of Anesthesia of the University of Cincinnati. She has recently been employed by the South Carolina Baptist Hospital as an anesthetist, where officials state that the beneficiary is well qualified and that her services are urgently needed. The beneficiary has two sisters residing in the United States, one of whom is a citizen and the other a lawful permanent resident.

A letter, with attached memorandum, dated November 7, 1955, to the then chairman of the Senate Committee on the Judiciary from the

Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 7, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2563) for the relief of Cecile Angele Chaffoo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Iraq.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CECILE ANGELE CHAFFOO, BENEFICIARY OF S. 2563

The beneficiary was born on February 13, 1924, in Baghdad, Iraq. She arrived in the United States on July 7, 1951, at New York, N. Y., when she was admitted as a visitor for 6 months. Her status was changed to that of a trainee exchange visitor and she has been granted extensions the last of which expired on July 31, 1955.

The beneficiary trained at the Baptist Hospital, Columbia, S. C., from January 1, 1952, to October 1, 1953, as a student nurse. From October 1, 1953, to January 1, 1955, she was a student trainee at the Cincinnati General Hospital in Cincinnati, Ohio.

The beneficiary became the subject of deportation proceedings on September 16, 1955, as a result of her failure to depart at the expiration of her authorized temporary stay. The beneficiary is unmarried. She is engaged as a graduate nurse and anesthetist at the Fairfield County Hospital at Winnsboro, S. C. She receives a salary of $400 a month from the hospital in addition to which she receives money from her brothers in Iraq. The beneficiary has 2 brothers and 2 sisters residing in Iraq, and 2 sisters residing in Columbia, S. C.

Senator Olin D. Johnston, the author of the bill, submitted the following information in support of the bill:

SOUTH CAROLINA BAPTIST HOSPITAL AND COLLEGE FOR NURSES,
Columbia, S. C., January 17, 1956.

Hon. OLIN D. JOHNSTON,
United States Senate, Washington, D. C.

DEAR SENATOR JOHNSTON: This is to certify that Miss Cecile Angelo Chaffoo, who is a graduate of the South Carolina Baptist Hospital with a registered nurse's degree and a graduate of the University of Cincinnati School of Anesthesia, is a native of Bagdad, Iraq, and has been in this country more than 4 years and would like to become a permanent citizen. We have had Miss Chaffoo associated with us now for 4 years. It is my opinion no young person has absorbed the fundamental principles of America more clearly and committed herself more fully to them than had Miss Chaffoo.

It is absolutely necessary that we have two full-time anesthetists. We have Miss Norris, who is also a graduate of our institution and a graduate of the school of anesthesia in Birmingham, Ala. Her work is twice as heavy as she is able to carry. It is imperative that we secure at an early date relief for her. Miss Chaffoo is available and we beg that permission be given to her to work with the South Carolina Baptist Hospital in the position named above.

Yours for service,

W. M. WHITESIDE,
Superintendent-Treasurer.

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COLUMBIA, S. C., *June 7, 1955.*

To Whom It May Concern:

This is to advise that I have known Miss Cecile A. Chaffoo, originally from Ladoon Street, Baghdad, Iraq, since January 1, 1952, when she entered training at the South Carolina Baptist Hospital, Columbia, S. C., in nursing. Miss Chaffoo was graduated from that institution May 1953 with honors.

Miss Chaffoo has also had training from Licester Royal Infirmary, Licester, and West London Hospital, London, England. This young lady has since graduation took 15 months' training in anesthesia in Cincinnati, Ohio.

This young woman has all the attributes of a young lady. Sober, industrious, intelligent, and excellent character.

She is now employed in Winnsboro, S. C., Fairfield County, being the only anesthetist located in the entire county. She is vitally needed at the Winnsboro Hostpial to carry on her type of work.

Due to her type of training I personally would appreciate any consideration shown her until she has been able to obtain her naturalization papers.

(Signed) R. B. DURHAM, M. D.

COLUMBIA, S. C., *June 7, 1955.*

To Whom It May Concern:

This is to state that I have known Miss Cecile Chaffoo for a period of 5 or 6 years. Especially have I had the opportunity to observe her during her period of training as a student nurse at the Baptist Hospital, Columbia, S. C. During this period she was an excellent student nurse and finished in the upper bracket of her class. She is intelligent, resourceful, possesses initiative and is hard working. Her moral character is beyond reproach.

After receiving her registered nurse's degree Miss Chaffoo decided to study anesthesiology. She completed this course successfully in the Cincinnati General Hospital, Cincinnati, Ohio, and has just recently taken her national board. I have had the opportunity to use Miss Chaffoo to give anesthesias for me on a number of occasions since she has returned to Columbia. I would say that she is a very highly trained, efficient, and competent anesthetist.

It gives me considerable pleasure to recommend this young lady for a permanent visa to work in this country and I sincerely hope that she will later be granted citizenship as she possesses all those fine qualities that would make her an asset anywhere she lived.

W. T. BARRON, M. D.

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION,
SOUTH CAROLINA STATE EMPLOYMENT SERVICE,
Columbia, S. C., June 1, 1955.

Miss CECILE ANGELE CHAFFOO,
Columbia, S C.

DEAR MISS CHAFFOO: I have reviewed the letters submitted by Mr. A. J. Woodring, administrator of the Fairfield County Memorial Hospital at Winnsboro, S. C., and Mr. G. L. Cunningham, administrator of the Chester County Hospital, Chester, S. C., in regard to the offer of employment as a nurse anesthetist by the Fairfield County Memorial Hospital at Winnsboro in the event that you are issued a permanent visa to replace the visitor's visa which you now hold that will expire July 31, 1955.

Regarding your request for a certification from the United States Employment Service as to availability and need of workers, I will state that according to the information that I have in this office, such a statement is not required by the Immigration Service for trained nurses. This was established some time ago in view of the fact that a great shortage of nurses exists in this country and every effort has been made by interested parties to urge qualified young people to enter this profession. We in this office frequently get orders for nurses and nurse anesthetists for work in other areas. This is evidence that the shortage is general all over the country.

In the event that anyone inquires as to the authority for the above exemption, you may state that Employment Security Manual, part II, section 1827, lists this exemption.

Very truly yours,

E. H. BRADLEY, *State Director.*

CHESTER COUNTY HOSPITAL,
Chester, S. C., May 27, 1955.

To Whom It May Concern:

It has recently come to my attention that Miss Cecile Angele Chaffoo, of 1311 Calhoun Street, Columbia, S. C., is making application to the Immigration and Naturalization of the United States for a permanent visa. It is my understanding that she has definite intentions, if issued such a visa, to take necessary steps to become a citizen of the United States of America.

Although I have not known Miss Chaffoo personally very long, I have known of her and her excellent work for several years, in the Baptist Hospital in Columbia, S. C., and the Anesthesia Training School in Cincinnati, Ohio, at which she trained.

My particular interest in Miss Chaffoo is that we are hoping to employ her on our staff here at the hospital to do part-time work, along with her regular work in the Fairfield County Hospital in Winnsboro, S. C. We have been trying untiringly for 3 years to secure the services of an additional anesthetist in this 74-bed general hospital. But until now we have been unable to get anyone at all. Now we would consider ourselves most fortunate to be able to have this young lady on our staff and we are very much interested in having her to be with us.

It is my candid opinion that Miss Chaffoo is an unusually intelligent, capable, and industrious person, that her honor and integrity are above reproach, and that she will make an outstanding citizen in this country. Furthermore, she is a competent, well-qualified nurse anesthetist, a profession which is in critically short supply now throughout the United States, and from all indications, will be for years to come. In short, we desperately need Miss Chaffoo on our staff, in order to help take care of the heavy load of surgical and obstetrical cases we are serving. And for this reason, primarily, I urgently recommend that she be issued a permanent visa and thus allowed to take the necessary action to become a citizen of the United States. Thus we would be hopeful of being able to employ her on our staff, where she is most urgently needed.

G. L. CUNNINGHAM, *Administrator.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2563) should be enacted.

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Calendar No. 1765

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1745

THEODORE J. HARTUNG AND MRS. ELIZABETH HARTUNG

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1099]

The Committee on the Judiciary, to which was referred the bill (H. R. 1099) for the relief of Theodore J. Hartung and Mrs. Elizabeth Hartung, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to authorize the Comptroller General to credit the accounts of Theodore J. Hartung and Mrs. Elizabeth Hartung, of 187 Colvin Street, Rochester, N. Y., in the amount of $1,200 which was paid Mrs. Elizabeth Hartung as family allowance after the discharge of the said Theodore J. Hartung from the Army of the United States.

STATEMENT

The statement of facts appear in House Report 100 on H. R. 1099 of the 84th Congress and is as follows:

It appears that Theodore J. Hartung was born on March 1, 1922, in Rochester, N. Y.; that he was inducted into the Army of the United States as a private at Rochester on April 13, 1943; that on July 2, 1944, he was sent overseas for service in the European theater of operations; that he received a slight wound in action on November 5, 1944; and that he was honorably discharged from the Army as a private, first class, at Fort Jay, N. Y., on November 21, 1945. The service record of this soldier shows that before his induction into the Army he was employed as a laborer in a brewery.

After his induction into the Army, Private Hartung duly authorized a deduction from his pay of $22 per month as an allotment to his mother, Mrs. Elizabeth Hartung, 187 Colvin Street, Rochester, N. Y., to commence on December 1, 1943. Thereafter a family allowance of $50 per month (the $22 deducted from Private Hartung's pay, plus $28 supplemented by the United States) was paid to Mrs. Hartung. As this serviceman was discharged from the Army on November 21, 1945, Mrs. Hartung's right under the law to receive such family allowance ceased on November 30, 1945. Upon the discharge of this soldier it became the duty of the Army not only to cease paying the family allowance to Mrs. Hartung, but to notify her that she was no longer entitled to receive such allowance. Subsequent to the discharge of said soldier, 24 allotment checks in the amount of $50 each were mailed to Mrs. Hartung during the period between December 1, 1945, and November 30, 1947, through administrative error, and said checks were endorsed and cashed by her, which resulted in a total overpayment to her in the amount of $1,200.

Mrs. Hartung, in an affidavit, dated March 11, 1953, states that the only income she has is a widow's pension, amounting to $42 monthly, and that it would be a hardship if she were compelled to refund the amount as set forth in this bill.

The committee, after a study of the House report and a report of the Department of the Army, together with the affidavit of the claimant, Elizabeth Hartung, herein, has reached the conclusion that the primary error in this case lay with the Department of the Army in not stopping the allotment upon the discharge of Private Hartung. As far as administrative procedure is concerned, the committee believes that it was the duty of the Department of the Army to stop the allotment on the basis of its records showing the discharge of Private Hartung. While it is true that perhaps Mrs. Hartung and her son should have known that she was not entitled to receive such a family allowance, the committee reiterates that the primary fault in this matter lay with the administrative procedure of the Department of the Army.

In view of the foregoing, together with the information that it would be an undue hardship upon this claimant to now repay the money received, the committee is of the opinion that the claimants should be relieved of liability as an equitable proposition. The committee therefore recommends that the bill, H. R. 1099, be considered favorably.

Attached to this report is the report of the Department of the Army referred to earlier and the affidavit of Mrs. Elizabeth Hartung dated March 11, 1953.

DEPARTMENT OF THE ARMY,
Washington, D. C., February 25, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. REED: The Department of the Army is opposed to the enactment of H. R. 783, 83d Congress, a bill for the relief of Theodore J. Hartung and Mrs. Elizabeth Hartung.

This bill provides as follows:

"That the Comptroller General be, and he is hereby, authorized and directed to credit the accounts of Theodore J. Hartung and Mrs. Elizabeth Hartung, of 187 Colvin Street, Rochester, New York, in the amount of $1,200, which was paid Mrs. Elizabeth Hartung as family allowance after the discharge of the said Theodore J. Hartung from the Army of the United States from December 1945 to November 1947, inclusive."

The records of the Department of the Army show that Theodore J. Hartung was born on March 1, 1922, in Rochester, N. Y.; that he was inducted into the Army of the United States as a private at Rochester on April 13, 1943; that on July 2, 1944, he was sent overseas for service in the European theater of operations; that he received a slight wound in action on November 5, 1944; and that he was hon-

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orably discharged from the Army as a private first class at Fort Jay, N. Y., on November 21, 1945. The service record of this soldier shows that before his induction into the Army he was employed as a laborer in a brewery.

After his induction into the Army Private Hartung duly authorized a deduction from his pay of $22 per month as an allotment to his mother. Mrs. Elizabeth Hartung, 187 Colvin Street, Rochester, N. Y., to commence on December 1, 1943. Thereafter a family allowance of $50 per month (the $22 deducted from Private Hartung's pay, plus $28 supplemented by the United States) was paid to Mrs. Hartung. As this serviceman was discharged from the Army on November 21, 1945, Mrs. Hartung's right under the law to receive such family allowance ceased on November 30, 1945. Upon the discharge of this soldier it became the duty of the Army not only to cease paying the family allowance to Mrs. Hartung but to notify her that she was no longer entitled to receive such allowance. Subsequent to the discharge of said soldier 24 allotment checks in the amount of $50 each were mailed to Mrs. Hartung during the period between December 1, 1945, and November 30, 1947, through administrative error, and said checks were endorsed and cashed by her, which resulted in a total overpayment to her in the amount of $1,200. During the period between May 1, 1946, and October 1, 1947, seven of the envelopes containing allotment checks mailed to Mrs. Hartung also contained a notice advising her that she was no longer entitled to receive an allotment if the soldier who had requested the issuance of such allotment had been discharged from the Army.

The records of the Department of the Army indicate that Theodore J. Hartung upon his discharge from the Army on November 21, 1945, returned immediately to the home of his mother, Mrs. Elizabeth Hartung, at 187 Colvin Street, Rochester, N. Y., and that they have both since resided at said address. It would, therefore, seem that both of them either knew, or should have known, that she was not entitled to receive a family allowance from the United States after his discharge from the Army.

The act of September 8, 1950 (64 Stat. 797; 50 U. S. C. App. 2213), provides, in pertinent part, as follows:

"* * * the Comptroller General, upon the recommendations of the heads of the departments concerned, or such subordinates as they may designate, and a showing that collection would be against equity and good conscience, may waive indebtedness growing out of erroneous payments of allowances under the authority of the Servicemen's Dependents Allowance Act of 1942, as amended, and authorize payments based thereon, on applications filed by enlisted and former enlisted members of the Army, Navy, Marine Corps, Air Force, and Coast Guard, or their dependents, and not finally acted upon prior to October 1, 1949: * * *."

It does not appear that Theodore J. Hartung or Mrs. Elizabeth Hartung ever filed any formal application in accordance with the provisions of the above-quoted act requesting that their indebtedness to the United States in the amount of $1,200 be waived in whole or in part. Nevertheless, the question of whether a recommendation should be made by the Department of the Army to the Comptroller General that such indebtedness be waived has been carefully considered by the Department. A waiver of the indebtedness was not recommended to the Comptroller General for the reason that no showing had been made that a collection by the United States of said indebtedness would be against equity and good conscience. The Department of the Army is informed that Mrs. Hartung owns real property and has a modest income therefrom, and is also receiving a pension, and that she and her son are able to repay to the United States the amount of the indebtedness.

In the light of the foregoing facts it seems clear that no proper basis has been established for the granting of the relief proposed by H. R. 783. The Department of the Army, therefore, is obliged to recommend that this bill be not favorably considered by the Congress.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

AFFIDAVIT OF MRS. ELIZABETH HARTUNG

MARCH 11, 1953.

STATE OF NEW YORK,
County of Monroe, City of Rochester, ss:

On this 11th day of March 1953, before me appeared Mrs. Elizabeth Hartung of 187 Colvin Street, Rochester, N. Y., widow of Theodore J. Hartung, veteran of World War I, and the mother of Theodore J. Hartung, Jr., ASN 32845049, veteran of World War II;

That Mrs. Hartung is personally known to me, who, being by me duly sworn, did say that on August 2, 1948, she executed an affidavit which was forwarded to the Army Finance Center, St. Louis, Mo., which reads as follows:

"I, Mrs. Elizabeth Hartung, 187 Colvin Street, Rochester, N. Y., widow of Theodore J. Hartung, veteran World War I, and mother of Theodore J. Hartung, Jr., veteran World War II, being duly sworn, depose and say that my income is my widow's pension which began 3 months ago amounting to $42 monthly.

"I receive no money from any other sources. Further that I just had to take out a loan for $600 on my home in order to save my house from being sold on the courthouse steps for back city and county taxes. Further that I did not know I was being overpaid by the Government through the family allowance.

"I received checks from the dependency office while both my boys were in service. In that my son Theodore, Jr., was wounded in service, I believed these checks were being continued after his discharge as a result of his being wounded, and were a compensation award. I did not know otherwise and believed myself entitled to them.

"Under my present circumstances, I do not know how I can repay any of this money."

The affiant further states that her other son, Donald, the younger, is married and has a family of his own and is not living at home. She further states that she has been ill and has undergone operative procedure, and that because of a heart condition complicating matters, she has not been able to work in the past 2 years this June; that she tried to take care of children but was unable to even do that; that her son, Theodore, Jr., is illiterate and that he can just about sign his name so that she was not able to receive any information from him that would help her one way or another; that she fully believed that because he was wounded, the money was continued to be paid; that she does not recall receiving any information whatsoever from any source advising her that she was not entitled to these payments.

Mrs. Hartung described in and who furnished the foregoing information acknowledges the same as a free act and deed to be true and correct to the best of her knowledge and belief by affixing her signature hereto.

(MRS.) ELIZABETH HARTUNG.

[SEAL] FRANK O. B. PRICKETT,
Notary Public, State of New York, Monroe County.

Commission expires March 30, 1954.

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Calendar No. 1766

84TH CONGRESS, 1st Session | SENATE | REPORT No. 1746

SALIH HOUGI, BERTHA CATHERINE, NOOR ELIAS, ISAAC, AND MOZELLE ROSE HARDOON

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1179]

The Committee on the Judiciary, to which was referred the bill (H. R. 1179) for the relief of Salih Hougi, Bertha Catherine, Noor Elias, Isaac, and Mozelle Rose Hardoon, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Salih Hougi, Bertha Catherine, Noor Elias, Isaac, and Mozelle Rose Hardoon. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The adult beneficiaries of the bill are husband and wife and they are 40- and 33-year-old natives and citizens of Iraq. The 3 minor beneficiaries are 9, 5, and 3 years of age, respectively, and were all born in China. The beneficiaries were all admitted to the United States on August 15, 1950, as visitors. Another child was born subsequent to their entry and is a citizen of the United States. The adult male beneficiary is a partner of the firm of Marlene Underwar Manufacturing Co. in New York City. The beneficiaries state that they had to leave Iraq because of the Jewish persecution in that country, and traveled by way of Shanghai to the Philippines, where they were interned by the Japanese. One of the minor beneficiaries is under constant medical treatment and it is stated that such treat-

ment could not be obtained should they have to return to the Philippines.

A letter, with attached memorandum, dated December 3, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 1667, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DECEMBER 3, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1667) for the relief of Salih Hougi, Bertha Catherine, Noor Elias, Isaac, and Mozelle Rose Hardoon, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees and head taxes. It would also direct that five numbers be deducted from the appropriate immigration quota. It should be noted that the Immigration and Nationality Act does not require the payment of a head tax.

The 2 adult beneficiaries are chargeable to the quota of Iraq, and the 3 minor beneficiaries to the quota of China.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SALIH HOUGI, BERTHA CATHERINE, NOOR ELIAS, ISAAC, AND MOZELLE ROSE HARDOON, BENEFICIARIES OF H. R. 1667

Salih Hougi Hardoon and his wife, Bertha Catherine, are natives and citizens of Iraq, born November 2, 1915, and April 6, 1922, respectively. They resided in Shanghai, China, prior to coming to the United States and were married there on December 21, 1941. The three minor beneficiaries, ages, 9, 5, and 3, were born in Shangahi, China. A fourth child was born in Brooklyn, N. Y., on July 13, 1951. The aliens were all admitted to the United States at San Francisco, Calif., on August 15, 1950, as temporary visitors for 3 months. They were granted extensions of stay until July 20, 1951. On November 13, 1951, they declared their intention to remain permanently in the United States. Deportation proceedings were instituted on November 19, 1951, and after a hearing the aliens were found to be deportable on the ground that after admission as visitors, they have remained in the United States longer than permitted. They were given the privilege of departing voluntarily from the United States. Their appeal to the Board of Immigration Appeals is still pending.

The adult male beneficiary is a partner of the firm of Marlene Underwear Manufacturing Co., 48 West 21st Street, New York City. He estimates his total income to be $500 monthly. His assets consist of stocks valued at $12,000 and savings of $950. He has a bank indebtedness of $1,200. Mrs. Hardoon is engaged as a housewife. They reside at 69–11 222d Street, Bayside, Long Island, N. Y., in a 4½-room apartment.

Congressman Henry J. Latham, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter and petition signed by 49 members of Young Israel of Windsor Park, Bayside, N. Y.:

NEW YORK, N. Y., *May 1, 1952.*

Hon. HENRY J. LATHAM,
House Office Building, Washington, D. C.

HONORED SIR: I am writing this letter to you because I know you to be a great humanitarian and because in the past you have not failed me when I asked you to help an individual on an equitable basis.

I am a Republican county committeeman from the Eighth Assembly District in Queens, and am a member of the Bayside Republican Club, and a good friend of Walter McGahan.

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Very recently, a matter which I am enclosing herewith was called to my attention by the members of the synagogue of which I am a member. The enclosed letter is self-explanatory and I merely wish to add certain supplementary information which does not appear therein.

The Hardoon family consists of the following persons, and the numbers of the proceedings pending with respect to them are listed next to their names.

Salih Hougi Hardoon, District File No. 0300/358837
Bertha Catherine Hardoon (wife), District File No. 0300/358838
Noor Elias Hardoon (child), District File No. 0300/402027
Isaac Hardoon (child), District File No. 0300/402026
Mozelle Rose Hardoon (child), District File No. 0300/402028

The family originally resided in Iraq and had to leave because of the Jewish persecution there, and traveled by way of Shanghai to the Philippines and ultimately to this country, as set forth in the enclosed letter.

This enclosed letter, which bears a great many signatures of friends and acquaintances of the Hardoon family, is a fair indication of the great popularity of these people among their new neighbors and how important the situation is to the citizens of the area.

I am taking the liberty of writing this letter purely because I want to help these people. I am not representing them for a fee and will receive no remuneration for my services.

I should appreciate it greatly if you would introduce a private bill in Congress to permit these people to remain in the United States permanently because, with the technical difficulties now existing under our immigration laws, the chances are that despite their good character, integrity, and equitable reasons for remaining here, they will be deported under the immigration laws.

If you want any further information with respect to these people, I shall be glad to arrange to have them see you personally, and if you wish to see me personally on this matter, I shall be glad to do so at your convenience.

I want to thank you in advance because I know that you will not fail these unfortunate people.

Very truly yours,

A. M. STANGER.

BAYSIDE, N. Y., *March 27, 1952.*

Re Salih Hougi Hardoon, 6801 Springfield Avenue, Bayside, Long Island, N. Y.

Hon. HENRY J. LATHAM,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN LATHAM: We appeal to you to extend generous assistance to one of our worshippers, Mr. Hardoon, 6801 Springfield Avenue, Bayside, Long Island, N. Y., who is seriously in need of aid.

Mr. Hardoon is a victim of the last war. He and his family, then consisting of his wife and three children, managed to get to the Philippines from Shanghai where they had been incarcerated by the Japanese. He subsequently came to the United States because of the serious physical condition of one of his sons. This boy has been under medical treatment continuously since his arrival and is presently still under medical care. Should the boy be required to return to the Philippines his life is despaired of because medical science is not so current in the Philippines as it is here.

Since arriving in the United States Mrs. Hardoon has given birth to another boy who is consequently an American citizen.

The immigration authorities have expressed the intent of deporting Mr. Hardoon together with the members of his family. This is not only a hardship on the ailing son of the Hardoons but, it is our belief, a deprivation of the privileges to which the youngest Hardoon child is entitled as an American born on United States soil.

For more than a year Mr. Hardoon has been a regular worshiper in our synagogue. It is our considered judgment that he is a person of the finest character, truly pious and God-fearing and would be an asset, in his small way, to our country and our community.

We plead with you, both for the sake of humanity and as your constituents, to render every available assistance so that the Hardoon family may be allowed to remain in the United States.

We will be overwhelmingly grateful to you for the assistance we feel that you will render.

Very truly yours,

YOUNG ISRAEL OF WINDSOR PARK.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1179) should be enacted.

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Calendar No. 1767

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1747

MRS. KHATOUN MALKEY SAMUEL

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2796]

The Committee on the Judiciary, to which was referred the bill (H. R. 2796) for the relief of Mrs. Khatoun Malkey Samuel, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Khatoun Malkey Samuel. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 66-year-old native of Turkey and citizen of Palestine who last entered the United States on September 27, 1954, as a visitor. She is a widow, and her only living relative is her son, His Eminence Archbishop Athanasious Yeshue Samuel, of the Syrian Church of Antioch, who is a lawful permanent resident of this country. The beneficiary resides with her son and is completely dependent upon him for support.

A letter, with attached memorandum, dated June 3, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2796) for the relief of Mrs. Khatoun Malkey Samuel, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Turkey.

Sincerely,

——— ——— *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. KHATOUN MALKEY SAMUEL, BENEFICIARY OF H. R. 2796

The beneficiary was born in Nasbeen, Turkey, in the year 1889. She resided in Palestine for many years and acquired Palestinian citizenship. Her last residence abroad was in Beirut, Lebanon.

The beneficiary entered the United States at New York, N. Y., on September 27, 1954, as a visitor. She failed to depart within the prescribed time and deportation proceedings were instituted on the ground that after admission as a visitor she failed to comply with the conditions of such status. She was accorded a hearing, found deportable and granted the privilege of voluntarily departing from the United States. To date, she has failed to avail herself of this privilege.

Mrs. Samuel is a widow. Her parents are deceased. Her only living relative is her son, His Eminence Archbishop Athanasious Yeshue Samuel, of the Syrian Church of Antioch. His Eminence is a permanent resident alien of the United States. Mrs. Samuel resides with her son at 293 Hamilton Place, Hackensack, N. J., and is completely dependent upon him for support. She has no assets whatsoever.

At the request of Congressman William B. Widnall, the author of the bill, the following letters were submitted to the Senate Committee on the Judiciary in support of the bill:

HACKENSACK, N. J., *March 1, 1956.*

Re Khatoun Malkey Samuel, H. R. 2796

CHAIRMAN, SENATE SUBCOMMITTEE ON IMMIGRATION,
Senate Office Building, Washington, D. C.

DEAR SIR: The writer, who is the head of all the Syrian Churches of Antioch in the United States and Canada, desires to acquaint the

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subcommittee with certain facts regarding the application of Mrs. Khatoun Malkey Samuel, for whom special relief has been requested under H. R. 2796.

The said Khatoun Malkey Samuel is the mother of the writer, and arrived in this country on a visitor's visa about October 1, 1954. Since that time she has been invaluable to the writer in taking care of the home and archdiocesan office of which the writer is in charge, supplying the normal comfort so necessary for the writer in order to be better able to fulfill and attend the spiritual needs of his archdiocese.

Furthermore, the said Khatoun Malkey Samuel has no close relatives in Syria to return to, nor any close relatives in any other country, with whom she can make a home, and she is much too old to be able to make a home by herself.

Respectfully yours,

ATHANASIUS YESHUE SAMUEL.

WEST NEW YORK, N. J., *March 9, 1956.*

Re Kahatoun Malkey Samuel, H. R. 2796

CHAIRMAN, SENATE SUBCOMMITTEE ON IMMIGRATION,
Senate Office Building, Washington, D. C.

DEAR SIR: Having been informed that your subcommittee has before it, for consideration, H. R. 2796, affecting Archbishop Samuel's aged, widowed mother, please permit us to advise you that we have known her from the time she came to visit her son, the archbishop, in Hackensack, N. J., during October 1954. She now desires to live with, and take care of, her son and his home.

She is a fine, religious, and respectable lady, is a good character and bears an unexcelled reputation. We know of no one, except members of our own immediate families, whom we could more highly recommend to anyone.

We have visited her at their home in Hackensack on an average of at least twice each week and can proudly and conscientiously recommend her for your kind and favorable attention, and we do hope and pray for your early and favorable consideration.

Yours respectfully,

ALEXANDER MARDENLY,
EMILY MARDENLY,
Mr. and Mrs. Alexander Mardenly.

HACKENSACK, N. J., *March 9, 1956.*

Re Kahatoun Malkey Samuel, H. R. 2796

CHAIRMAN,
Senate Subcommittee on Immigration,
Senate Office Building, Washington, D. C.

DEAR SIR: As your Subcommittee on Immigration has before it, for consideration and disposition, H. R. 2796, concerning special relief for Mrs. Kahatoun Malkey Samuel, the aged mother of Archbishop Samuel, of Hackensack, N. J., may we please take the liberty of advising your subcommittee that we have known Mrs. Samuel since she came to visit her son, the archbishop, in October 1954.

I have seen her at the archbishop's home, at No. 293 Hamilton Place, Hackensack, N. J., at least three times each week since she came to visit her son, and I know her to be of a fine character and that she bears an enviable reputation. She is a pious and religious woman.

As I know that she would be most happy, as would the archbishop, to have H. R. 2796 favorably approved by your subcommittee, the Immigration Committee, and the Senate, I am in the position to inform you all that she would be a credit to all of you and us.

Your kind, prompt, and favorable consideration of H. R. 2796 is respectfully requested.

Respectfully yours,

ALBERT ATANAS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2796) should be enacted.

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Calendar No. 1768

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1748

GUGLIELMO JOSEPH PERRELLA

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2948]

The Committee on the Judiciary, to which was referred the bill (H. R. 2948) for the relief of Guglielmo Joseph Perrella, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Guglielmo Joseph Perrella. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old national of Italy, who last entered the United States on April 13, 1948, as a nonquota immigrant, in order to pursue his claim to United States citizenship. He was born in the United States and departed for Italy when 6 years of age with his mother, where he resided until his entry into this country. It has been determined that the beneficiary expatriated himself by accepting employment on December 1, 1941, in Italy, for which only Italian nationals were eligible. He was, therefore, not a nonquota immigrant at the time of his last entry. The beneficiary is employed as a factory worker. His mother is deceased and his father is a naturalized United States citizen, as are his two brothers. The bill, as introduced in the House of Representatives, provided for the restoration of the beneficiary's citizenship. However, in con-

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sidering the bill, the Committee on the Judiciary of the House of Representatives stated:

As introduced, this bill provided for the restoration of United States citizenship to Mr. Perrella, and it has been amended to grant him permanent residence in the United States. The committee is of the opinion that the facts in this case do not warrant restoring Mr. Perrella's United States citizenship by legislative enactment.

A letter, with attached memorandum, dated October 5, 1954, to the then Chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 5, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request from the Department of Justice for a report relative to the bill (H. R. 9030) for the relief of William Joseph Perella, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files.

The bill would grant this alien, who lost United States citizenship under the provisions of section 401 (d) of the Nationality Act of 1940, the privilege of being naturalized, by taking prior to 1 year after the date of enactment of this act, before any court of competent jurisdiction, or before any diplomatic or consular officer abroad, the oath of allegiance as prescribed by section 337 of the Immigration and Nationality Act. The bill further provides that from and after naturalization under this act, the alien shall have the same citizenship status as that which existed immediately prior to its loss.

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE WILLIAM JOSEPH PERELLA, OR GUGLIELMO JOSEPH PERRELLA, BENEFICIARY OF PRIVATE BILL H. R 9030

William Joseph Perella, whose correct name appears to be Guglielmo Joseph Perrella, is an Italian citizen who was born in Reading, Pa., on July 20, 1921. In 1927, at 6 years of age, the beneficiary and his mother departed for Italy, and remained at Via Garibaldi No. 14, Boiano, Campobasso, Italy, until he last entered the United States on April 13, 1948, as a nonquota immigrant, under section 317 (c) of the Nationality Act of 1940, in order to pursue his claim to citizenship. It has been determined that the beneficiary expatriated himself under section 401 (d) of chapter IV of the Nationality Act of 1940, by accepting employment on December 1, 1941, in Italy, for which only Italian nationals were eligible. In view of his expatriation, the beneficiary was not entitled to enter the United States as a nonquota immigrant. Deportation proceedings were instituted, and he has been found deportable under the Immigration Act of May 26, 1924, in that, at the time of entry he was not a nonquota immigrant as specified in his immigration visa. A warrant of arrest was issued and executed on October 15, 1951, and a warrant of deportation was subsequently issued on March 3, 1954. The beneficiary is presently on conditional parole, reporting in writing to this office once a month.

Mr. Perella has had 5 years of elementary school, 7 years of teacher's preparatory school, and 1 year of agricultural school, all completed at Boiano, Italy. Since his last entry into the United States, Mr. Perella has resided and worked in Reading, Pa.; Chicago, Ill.; and Newark, N. J. He has been employed by the American Can Co., Jersey City, N. J., since July 1953, as a factory worker, and earns approximately $71.60 per week. His mother is deceased, and his father, Nickolas Perrella, is a naturalized United States citizen, residing at 192 Harrison Avenue, Montclair, N. J. The beneficiary has two brothers, Remo and Emilio Perrella, both United States citizens who reside with him at 880 South 16th Street, Newark, N. J.

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Mr. Perella is unmarried and has no one dependent upon him for support. He stated that from 1927 until 1943 he was an involuntary member of the Fascist Party, and served in the Italian Army from February 13, 1943, to August 10, 1945. Mr. Perella alleges he has never belonged to any other political or civic organization. He has approximately $300 in cash, and owns no personal property.

Congressman George M. Rhodes, the author of the bill, wrote to the then chairman of the Senate Committee on the Judiciary on February 23, 1956, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 23, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Senate Judiciary Committee.

DEAR MR. CHAIRMAN: I am taking the liberty of referring to a private bill which I introduced in behalf of William Joseph Perella, H. R. 2948, which is now pending before the subcommittee.

I have great personal interest in this case and am most anxious to do whatever I possibly can to have the bill pass this Congress in order that Mr. Perella will be granted permanent residence in the United States.

It is my most sincere feeling that Mr. Perella's case warrants every consideration. As you will note in his file, he was taken to Italy from the United States as a child and applied for reentrance as an adult to join his father and brothers. It appeared at that time that he lost his United States nationality pursuant to section 401 (c) of the Nationality Act of 1940 by entering and serving in the armed forces of a foreign state (Mr. Perella served in the Italian Army from 1943 to 1945, during which time he was attached to the American Army). On the basis of this, he was granted a nonquota immigrant visa and admitted for permanent residence for the purpose of recovering United States nationality.

Therefore, when Mr. Perella entered the United States it was with approval and in full belief that he was entitled to such entry.

It was not until after he was in the States as a permanent resident that Immigration and Naturalization Service ruled that he was not entitled to the nonquota visa because he lost his citizenship when he took a teaching position in Italy when he was over 18 years of age.

When deportation procedings were started, Mr. Perella was not convinced that he had lost his citizenship, and did not accept voluntary departure because he wanted to have time to prove, one way or the other, that he was or was not a citizen. Immigration upheld their ruling which Mr. Perella accepted but he was most anxious to have the opportunity to regain his citizenship, which he lost unknowingly.

Mr. Perella has proved himself to be a man of good moral background with every desire to be a self-sufficient, loyal member of society. If desired, letters of personal recommendation can be furnished to the committee for their information and consideration. Also, I and other witnesses, would be happy to appear at a hearing in his behalf.

Please let me stress my concern in this case. I do feel the error made in Mr. Perella's entry as a nonquota immigrant was an honest error not of his making or his choosing and that permanent residence should, in all fairness, be granted.

It would be a great personal hardship to Mr. Perella and his family for him to return to Italy where he has no family, position, or ties to return to.

Please do not hesitate to contact me for any additional information you may need.

Thanking you for your attention to this matter, I am,

Respectfully yours,

GEORGE M. RHODES,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2948) should be enacted.

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Calendar No. 1769

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1749

GEORGE E. BERGOS (FORMERLY ATHANASIOS KRITSELIS)

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3276]

The Committee on the Judiciary, to which was referred the bill (H. R. 3276) for the relief of George E. Bergos (formerly Athanasios Kritselis), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to George E. Bergos (formerly Athanasios Kritselis). The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status as the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 41-year-old native and citizen of Greece, who last entered the United States in November 1949, as a citizen of the United States. His first entry occurred on January 25, 1938, when he was admitted as a United States citizen in possession of a United States passport which he had obtained fraudulently. The beneficiary was married in Greece in 1936. In 1944 he married a citizen of the United States, thinking that his first wife had divorced him. When it developed that there had been no divorce, the beneficiary obtained a divorce in 1949, and remarried his citizen wife. The couple has two children and the beneficiary also contributes

to the support of his son by his first marriage and a stepson. He is part owner and operator of a restaurant and is highly thought of in the community in which he resides.

A letter, with attached memorandum, dated October 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

OCTOBER 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request to the Department of Justice for a report relative to the bill (H. R. 7050) for the relief of George E. Bergos (formerly Athanasios Kritselis), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Norfolk, Va., office which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As the husband of a United States citizen, Mr. Bergos is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGE E. BERGOS, BENEFICIARY OF H. R. 7050

George E. Bergos, also known as George E. Berzos, formerly known as Athanasios Kritselis, a Greek citizen, was born in Korischades, Evrytania, Greece, in May, 1914 under the name of Athanasios Kritselis. His last residence abroad was Korischades, Greece. He was admitted as a United States citizen at New York, N. Y., on January 25, 1938, on a United States passport obtained fraudulently. His next and last entry occurred at Miami, Fla., in November 1949, and he was admitted as a United States citizen.

Deportation proceedings have been instituted and he has been found to be deportable from the United States on the ground that, at the time of entry, he did not present an unexpired passport or official document in the nature of a passport issued by the Government of the country to which he owes allegiance, or other travel document showing his origin and identity, as required by Executive order in effect at time of entry. Suspension of deportation has been denied. Notice of appeal was forwarded to the Board of Immigration Appeals on December 22, 1953. Final determination of case awaiting decision of Board of Immigration Appeals.

The beneficiary attended school in Greece for about 11 years. He married his first wife there about 1936. Two children were born of the marriage, a son and a daughter. About 1937 he purchased a birth certificate relating to the birth, in the United States, of another person. On the basis of this birth certificate, he obtained a United States passport on which he traveled to the United States. His wife and children remained in Greece. His son came to the United States about 1952.

In 1944 or 1945 Mr. Bergos married a United States citizen. He alleges he thought his first wife had divorced him but could submit no evidence of such action. He served in the United States Army in 1944 and 1945 and his United States citizen wife drew an allotment from the Army. Two children were born of this union. He divorced his first wife in Virginia in 1949. As she still resides in Greece she was not present at the proceedings. He remarried his second wife in 1952 and has his name changed legally to George Bergos.

Since his arrival in the United States in 1938, Mr. Bergos has represented himself as a United States citizen, voted, and as late as September 18, 1952, testified before an office of the Immigration and Naturalization Service that he was born in Clinton, Mass.

The beneficiary is part owner and operator of a restaurant from which he derives an income of approximate $400 per month. He resides with and supports his wife,

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their two children, his son by his first marriage, and a stepson. He alleges he also contributes $25 to $30 per month for the support of his daughter in Greece. His mother and sister reside in Greece.

Congressman W. Pat Jennings, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 22, 1955.

Memorandum to: Committee on the Judiciary, House of Representatives.

In re H. R. 3276, for the relief of George E. Bergos (formerly Athanasios Kritselis).

My predecessor (Mr. Wampler) introduced in the 83d Congress, H. R. 7050 on behalf of George E. Bergos. No action taken on the bill due to the fact that proceedings were pending before the Board of Immigration Appeals, United States Department of Justice, Washington, D. C. This appeal has now been dismissed and there is no further recourse in the courts, the only recourse being through a special bill, else he will be ordered deported.

The reason given for deporting Mr. Bergos comes under an act of Congress, providing that for the purpose of the act no person can be considered to be of good moral character who has been guilty of adultery. On the record it is shown that he did not obtain a divorce from his Greek wife until March 2, 1949. He had already married his American wife, thinking that his Greek wife had obtained a divorce, or at least that they were estranged. He married his present wife in January 1945, and married her the second time on March 2, 1945. Two children were born of this marriage who are absolutely dependent upon him. All the courts in the different States have held that you cannot be guilty of adultery where you go through a marriage ceremony. However, this is the one point upon which the Board of Immigration Appeals has held that Bergos must be deported.

Part of the adjudication against him before the Board of Immigration Appeals is as follows:

"It is thus evident that despite the many favorable factors of record concerning the respondent's character and conduct in the United States and honorable service in the Armed Forces; and despite the fact that his deportation will result in a hardship upon his American-citizen wife and two native-born citizen children, deportation must be ordered. The appeal must be dismissed."

"Order: It is ordered that the appeal be and the same is hereby dismissed."

Respectfully submitted.

W. PAT JENNINGS,
Member of Congress.

In addition, Congressman Jennings submitted to the Senate Committee on the Judiciary the following letters in support of the bill:

MARION, VA., *February 24, 1956.*

In re George E. Bergos (Athanasios Kritselis)

Hon. HARLEY M. KILGORE,
Chairman, Senate Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: I am requested for a sworn statement in connection with the bill, H. R. 3276, pending in the Senate for my relief and for the relief of my family. I was born in Coryschades, Greece, on May 25, 1914, at which time my father was working in America in Lynchburg, Va. He died when I was a small boy and although he worked in America for about 30 years in Lynchburg, Va., and Richmond, Va., we never knew whether or not he complied with the naturalization laws and became a citizen of the United States. At that time the laws allowed the Greeks to come and go with no difficulty. I did not have a father or anyone to guide me as I grew up.

In Greece marriages are fixed by parents or by the people's families and just before I was 21 years old a marriage was arranged by my family and another family for me to marry a Greek girl. Neither of us were in love. We had no trouble or disagreements. We simply did not care for each other and drifted apart although two children were born of this marriage. My Greek wife abandoned these children and my family and I supported them and 1 child has been living with me for over 2 years. The other child is in Greece with my relatives.

In 1938, while working in Greece, I was offered for a consideration a passport belonging to one George Bergos, a native of the United States, who died in Clinton,

Mass. At this time many of these passports were being sold and many Greeks that have since become citizens used these passports for entry into the United States. Upon arrival in the United States I went to some Greek friends in North Carolina for a short time, then to Wytheville, Wythe County, Va., and from there to the adjacent county of Smyth, in Marion, Va.

I had a high-school education in Greece and 2 years additional schooling in Athens. I was working in a Wytheville restaurant when I registered for the draft for World War II. I was taken into the Army, served over 11 months or practically a year, and it was during this Army service or after being drafted for service that I met my American citizen wife and I got a leave from the service in order to marry her in January 1945. I naturally supposed when I married my American wife that my Greek wife had gotten a divorce, as she had been going with other men for many years. My family were supporting the Greek children and I had lost contact with her entirely. I still have my $10,000 insurance policy with the United States Government upon which all premiums are paid to date and I was honorably discharged from the United States Army.

After being discharged from the United States Army, in 1948 I discovered that due to the German occupation in Greece all public records were lost or destroyed and I could not be sure about my divorce from my first wife although we had not heard from each other for years. I went to an attorney about the matter and he advised me to get a divorce, which I did. Following this divorce I remarried my American wife.

Following the end of World War II I could easily have filed and obtained citizenship papers as many other Greeks did because I had been in the country from 1938 to 1949, but I was invited on a trip to the Bahamas and spent about 1 week there in 1949, naturally using the Bergos papers as I had lived under his name, and for that reason I lost the right to the 7-year statute because under the law this was a new entry into the United States. I was ignorant of the laws.

I have an American citizen wife from a good American family, and two fine children born of this union. I am accused by the immigration officers of living with this wife in adultery because I remarried her after getting a Greek divorce. I am not guilty of this wrong and I have married here twice for technical reasons and we have had my Greek name changed to George Bergos by order of the Circuit Court of Smyth County where the court investigated my character and entered an order stating that my whole family was of good character.

I have a small business that makes a living for my wife and children and if I am deported I do not know what would become of them as I have no connections now in Greece that would let me make a living or contribute anything to the support of my family.

I do not understand this case and how it could happen to me and there are many Greeks here that came over as I did and did not even serve in the United States Army that have become citizens and my family and I have suffered greatly and do hope and pray that we may have the relief from a separation and destruction of our whole family and our family life.

Respectfully,

GEORGE BERGOS.

STATE OF VIRGINIA,
County of Smyth, to wit:

Subscribed and sworn to before me, the undersigned notary public, on this the 24th day of February 1956.

[SEAL] VIRGINIA R. REYNOLDS,
Notary Public.

My commission expires: November 3, 1958.

MARION, VA., *February 24, 1956.*

In re George E. Bergos (Athanasios Kritselis)

Hon. HARLEY M. KILGORE,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: I am Mildred Bergos, the American-born wife of George Bergos, in the above matter.

My father and mother, Melvin and Gaye Johnson, ages 75 and 60, live in the adjoining county of Wythe, farming the same lands that were farmed by their father and grandfather. I have 3 brothers and 3 sisters. All of us have had high-school education or more. All of my brothers and sisters are married with

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the exception of the youngest brother, who is in high school and the only one left with my father and mother. When I met George Bergos he had already been drafted into the United States Army for World War II. I was working at the hosiery mill in Wytheville and everybody was under a great strain about the war. I had two brothers in the United States Army overseas. Shortly after meeting George Bergos we decided to get married. He had to go to camp before we could get ready, and he returned on leave for our marriage. Ours is one of the war marriages that has lasted. I knew nothing of George's Greek background and knew nothing of his former marriage until some years later when we both thought that George's wife had divorced him about the time he left Greece. I know that he and his first wife's marriage was arranged by their respective families and neither of us had any idea that there was anything wrong about the first marraige; however, some years later, because of the Germans destroying the Greek records George got an American divorce and we remarried. At this time we knew nothing about any charge of false entry into the United States, but were simply fixing the records so that there would be no question about the Greek divorce and our first marriage being illegal.

We have 2 children in school and 1 of the Greek children that George had by a former marriage in Greece has been living with us for over 2 years. Neither George nor I have any connections in Greece where we could make a living or support our children.

My understanding of the situation is that through technicalities we are denied all relief under the Naturalization statutes; that George and I are accused of living in adultery although we have been married twice and if there is a Greek divorce which was destroyed by the German Army, George has been divorced twice and yet he is denied citizenship and ordered deported.

The proceedings through the Department of Immigration has caused us the greatest worry, disturbance, and anxiety for I have no way in the world to support and keep my children in school and George would have no way to help us if he was to be deported to Greece.

We know that we are guilty of breaking no laws or doing anything wrong and we know that the case could not have come up at all had George filed for citizenship when he got out of the Army or before his unfortunate trip to the Bahamas that marked up a new entry into the United States.

We have the sympathy and help of all of our friends and we trust that this bill will pass the Senate and avoid terrible injustice to my family and children.

Respectfully,

MILDRED BERGOS.

STATE OF VIRGINIA,
County of Smyth, to wit:

Subscribed and sworn to before me, the undersigned notary public on this the 25th day of February 1956.

My commission expires November 3, 1958

[SEAL] VIRGINIA R. REYNOLDS,
Notary Public.

MARION, VA., *February 25, 1956.*

In re George E. Bergos (Athanasios Kritselis)

Hon. HARLEY M. KILGORE,
Chairman, Judiciary Committee, United States Senate,
Washington, D. C.

DEAR SENATOR KILGORE: I have been asked for a statement concerning the character of George Bergos, a Greek citizen of our community and his standing in the community.

I have known George Bergos for 8 years, which is the time I have been practicing law in Marion. Bergos leases and operates a lunchroom in the business district of Marion and is on the job day and night. Many days he works as much as 16 hours in his business. While his business is small and caters to the working class of people, I have never known of any trouble originating in his business.

George is married to an American citizen, Mildred Johnson Bergos, who was born in Wythe County, Va., and whose family has lived in Wythe County for years. They have two lovely children, both of whom are in the public school in Marion, Va. They are good friends of my children and conduct themselves better than most of the children in the community. They live in one of the older and better residential sections of Marion.

I have been president of the Marion Community Chest, chairman of the March of Dimes program and active in all civic works, and in this capacity I have never called on George Bergos without the most favorable response from him. He supports any and every project for the betterment of our town and community and his support is whole-hearted.

In my capacity as an attorney in the practice of law and my present position of commonwealth attorney of Smyth County, I have not known of any criminal activities on the part of George Bergos. He makes a much better citizen than most of our native-born citizens. In my opinion it would be a tragedy to this family for George to be deported after these many years in the United States. The people in Marion feel very strongly that the democratic process would not be properly functioning if this were done. I hope that you and your committee will see fit to follow the action of the House of Representatives and pass the bill to permit George Bergos to remain in this country.

Respectfully submitted.

J. AUBREY MATTHEWS,
Commonwealth Attorney of Smyth County.

STATE OF VIRGINIA,
County of Smith, to wit:

Subscribed and sworn to before me, the undersigned notary public on this 27th day of February 1956.

My commission expires: August 11, 1956.

[SEAL]

FRANCES A. RUTH,
Notary Public.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3276) should be enacted.

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Calendar No. 1770

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1750

LOIS O. JENNINGS

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4466]

The Committee on the Judiciary, to which was referred the bill (H. R. 4466) for the relief of Lois O. Jennings, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay Lois O. Jennings, of Washington, D. C., an amount certified by the Secretary of the Air Force to be the amount Miss Jennings would have received had she remained in her position with the Department of the Air Force at Okinawa during the periods from February 3, 1953 to March 17, 1953, and from March 22, 1953 to July 21, 1953.

STATEMENT

It appears that the claimant, Miss Lois O. Jennings, signed an agreement for civilian employment with the 20th Air Force at Okinawa as a personnel assistant GS–7. The agreement was for 1 year, and she commenced her duties in Okinawa on September 29, 1952. On January 26, 1953, she was notified by the Director of Civilian Personnel, 20th Air Force, that she was being separated on the basis of "disqualification" from her position as personnel assistant GS–7 as the result of the determination by that Director that her previous experience did not qualify her for her assigned position.

Upon her refusal to accept a lesser position, and refusal to accept being placed on annual leave, Miss Jennings was placed on leave without pay effective February 3, 1953.

Headquarters, United States Air Force, subsequently disapproved Miss Jennings' "disqualification," but since her position had been abolished in the interim she could not be restored to that position. She was therefore assigned to duties at the Bolling Air Force Base in Washington, D. C., on July 22, 1953.

Miss Jennings filed a claim for the periods specified in the bill, but her claim was disallowed by the Comptroller General for the reason that she was on leave-without-pay status and performing no service to the Government during the period of the claim.

The Committee of the House, in commenting on this claim, states as follows:

> The committee concludes that Miss Jennings is clearly entitled to the relief provided for in the bill as amended by the committee. The Department of the Air Force in its report interposes no objection to the enactment of this legislation. It appears that the sequence of events in Miss Jennings' case placed her in an unfortunate position for by the time that her so-called disqualification was disapproved by higher Air Force authority the position to which she had been assigned no longer existed. The report of the Comptroller General of the United States to this committee similarly raised no objection to the enactment of the bill, but suggested that the bill be amended in order to describe the nature of the compensation intended to be paid. That report pointed out that the Congress had established a standard for legally measuring similar claims in the act of June 10, 1948, Public Law 623 of the 80th Congress. The committee has amended the bill accordingly, and recommends the favorable consideration of the bill as so amended.

After a study of the attachments hereto from the Department of the Air Force, the United States Civil Service Commission, and Comptroller General of the United States, the committee has reached the conclusion that this bill is meritorious and concurs in the findings and recommendations reached by the House. It is therefore recommended that the bill, H. R. 4466, be considered favorably.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, D. C., July 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for a report from the Department of the Air Force on H. R. 4466, 84th Congress, a bill for the relief of Lois O. Jennings.

The purpose of the bill is to pay Miss Jennings the amount of compensation that she would have received if she had remained in a duty status in the position of personnel assistant, GS–7, during the periods February 3, 1953, to March 17, 1953, and March 22, 1953, to July 21, 1953.

Miss Lois O. Jennings was recruited by Bolling Air Force Base on or about September 12, 1952, for civilian employment with the 20th Air Force at Okinawa as a personnel assistant, GS–7. Her employment agreement was for 1 year and she commenced her duties in Okinawa September 29, 1952. On January 26, 1953, she was notified by the Director of Civilian Personnel, 20th Air Force, that she was being separated on the basis of "disqualification" from her excepted appointment as personnel assistant, GS–7. This action resulted from a determination by the Director of Civilian Personnel, 20th Air Force, that her previous experience did not qualify her for her assigned position.

Miss Jennings took exception to this determination and requested reconsideration. Although her position was excepted from civil-service regulations allowing her an appeal as a matter of right, she was allowed to submit a reply to her dis-

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missal letter which was subsequently reviewed by Headquarters, United States Air Force. As a result of that review, it was determined that the 20th Air Force had failed to follow prescribed administrative procedures in that her separation on the basis of disqualification was improper. This decision was made in late April 1953.

On February 3, 1953, Miss Jennings was offered the position of library assistant, GS–4, but she refused the offer and was notified that she would be placed on annual leave until transportation to the United States could be arranged. Miss Jennings notified the Civilian Personnel Office on Okinawa that she would not accept being placed on annual leave. She was then placed on leave without pay, effective February 3, 1953. Headquarters, 20th Air Force, notified all Air Force commands in the Far East on February 3, 1953, that Miss Jennings could be made available for employment. No inquiries were received. She remained on Okinawa from February 3, 1953, until March 18, 1953, when she departed for the United States.

On February 4, 1953, in carrying out its reduction-in-force program to conserve manpower and Government funds, the 20th Air Force abolished the position to which Miss Jennings had been hired and consolidated the duties of the chief of payroll and the chief of administration. As a consequence, when it was learned that Headquarters, United States Air Force, had disapproved the disqualification separation of Miss Jennings, there was no position for her to be assigned. To accomplish the administrative procedures required by the reduction-in-force regulations, Miss Jennings was assigned duties at Bolling Air Force Base on July 22, 1953, and was separated on August 21, 1953.

Miss Jennings filed a claim for compensation for the period February 3, 1953, to July 22, 1953, less leave and travel time. The Comptroller General disallowed the claim for the reason that she was in a leave-without-pay status performing no service to the Government during the period of her claim.

The Department of the Air Force does not object to the enactment of H. R. 4466 since this would satisfy the claim made by Miss Jennings which the Comptroller General disallowed in December 1954.

The Comptroller General of the United States, commenting on H. R. 4466, stated:

"We should like to point out that the provision in the bill requiring that the Secretary of the Air Force certify to the Secretary of the Treasury the amount determined to be due would represent a departure from the established fiscal procedure in that, normally, the certification would be by the General Accounting Office. While we offer no serious objection to that departure we do think that the bill is objectionable in respect of another phase, namely, that it does not adequately describe the nature of the compensation intended to be paid. The Congress, by the act of June 10, 1948, Public Law 623, has established the standard whereby similar claims legally are measured. In order to conform to present procedures as well as to the purpose of the bill, and for uniformity of computation of the 'compensation which would have been paid,' section 2 of the bill might be amended by inserting in line 6, page 2, before the colon, the clause 'except that such compensation shall be computed in the manner as prescribed in the Act approved June 10, 1948 (Public Law 623, Eightieth Congress), had that Act applied to her position on February 2, 1953.' "

The Bureau of the Budget has advised that it has no objection to the submission of this report.

Sincerely yours,

DAVID S. SMITH,
Assistant Secretary of the Air Force.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., July 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: This is in reply to your letter of March 4, 1955, in which you request the Commission's views on H. R. 4466, a bill for the relief of Lois O. Jennings. H. R. 4466 would authorize and direct the Secretary of the Treasury to pay to Miss Jennings the amount of compensation that she would have received had she remained in her position with the Department of the Air Force at Okinawa during the period from February 3, 1953, to July 21, 1953, exclusive of leave and travel time.

Miss Jennings was employed by the Department of the Air Force as a personnel assistant, GS–7, at Okinawa, for the period from September 29, 1952, toFebruary 3, 1953. On February 3, 1953, she was dismissed from this position as a result of the determination by the Director of Civilian Personnel of the 20th Air Force that she did not qualify for it. On the same day, she was offered the position of library assistant, GS–4, but she refused to accept it. She also refused to be placed on annual leave and so was placed in a leave-without-pay status. Headquarters, 20th Air Force, notified all Air Force commands in the Far East that she could be made available for employment, but no inquiries were received. She remained on Okinawa from February 3, 1953, until March 18, 1953, when she departed for the United States.

On February 4, 1953, the 20th Air Force, in carrying out a reduction-in-force program, abolished the position to which Miss Jennings had been assigned and consolidated its duties with another position. Therefore, when Headquarters, Air Force, reviewed her case and determined that the 20th Air Force had failed to follow prescribed administrative procedures, there was no position to which Miss Jennings could be restored. The review by Headquarters, Air Force, was made in response to Miss Jennings' request, although as an excepted employee, she had no right of appeal from the separation action.

Since there was no position to which Miss Jennings could be restored, she was assigned duties at Bolling Air Force Base on July 22, 1953, so that administrative procedures required by the reduction-in-force regulations could be followed. She was separated on August 21, 1953. In an opinion delivered on December 17, 1954, the Comptroller General of the United States disallowed Miss Jennings' claim for compensation for the period from February 3, 1953, to July 22, 1953, less leave and travel time, on the grounds that she had no right to back pay.

The back-pay benefits of the act of August 24, 1912, as amended by Public Law 623 of June 10, 1948, are confined, as far as the dismissals of nonveterans are concerned, to persons having competitive status and occupying positions in the classified civil service. While Miss Jennings met the first requirement, she did not meet the second, since she was occupying a position in schedule A at the time of her dismissal.

The Civil Service Commission does not favor the enactment of private bills which would, in effect, permit the payment of compensation lost during erroneous separations of individuals who would not be eligible for such compensation under existing laws. We believe that if the present laws are not adequate, they should be amended. To grant relief to individuals not covered by existing laws would create further inequities and administrative difficulties in dealing with other employees who are not now covered by such legislation.

Since Miss Jennings has no right to back pay under existing laws, we have considered the question of whether sufficient action was taken to correct the erroneous action against her. She was offered another position. An attempt was made to place her elsewhere when she refused to accept the proffered position. She was then properly separated through reduction in force. The records were corrected to eliminate reference to the erroneous dismissal and to show that she was separated through reduction in force. We believe that this constitutes sufficient corrective action.

For the above reasons, the Commission does not favor the enactment of H. R 4466.

The Bureau of the Budget has advised us that while there is no objection to the submission of this report, the Bureau concurs with the favorable report of the Air Force subject to amendment as proposed by the Comptroller General. We are attaching a copy of the letter from the Comptroller General to the Bureau of the Budget which sets forth the position of the Comptroller General on this bill.

By direction of the Commission:

Sincerely yours,

PHILIP YOUNG, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D. C., May 18, 1955.

Hon. ROWLAND R. HUGHES,
Director, Bureau of the Budget.

DEAR MR. HUGHES: Reference is made to letter dated April 25, 1955, from the Assistant Director, Legislative Reference, enclosing a copy of a report submitted by the Department of the Air Force on H. R. 4466, 84th Congress, entitled "A bill for the relief of Lois O. Jennings," and requesting an expression of our views on the bill.

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The bill proposes to authorize and direct the Secretary of the Treasury to pay to Lois O. Jennings an amount certified to him by the Secretary of the Air Force under section 2 of the bill. The amount is described as the compensation which would have been paid to Lois O. Jennings for the periods beginning February 3, ending March 17, 1953, both dates inclusive, and beginning March 22, ending July 21, 1953, both dates inclusive, "if she had not been separated from her position on February 2, 1953, and had continued to serve on Okinawa during such periods in the position and in the grade which she held on February 2, 1953."

The present favorable report of the Department of the Air Force refers to a claim which Miss Jennings submitted to our Office and which was disallowed for the reasons stated in our decision of December 17, 1954, B–122019, copies of which are enclosed. The information heretofore furnished us by Miss Jennings and by the Air Force reveals that she was carried on the rolls of the 20th Air Force as on leave without pay during the periods in question, although she had remained on Okinawa until March 18, 1953, at the request of the Inspector General, 20th Air Force, while her complaint of her removal from duty was being investigated by that office.

Although Miss Jennings had acquired a competitive civil-service status by virtue of her employment in another Government agency, she was not in the Government service immediately prior to her acceptance of the excepted position (schedule A) on Okinawa. Hence, her service in the excepted position from September 1952 to February 2, 1953, was not "in the classified civil service" within the meaning of that phrase as used in subsection 6 (a) of the act of 1912, as amended June 10, 1948 (Public Law 623, 62 Stat. 354, 5 U. S. C. 652 (a)). While that amendment also enacted a provision to cover any person who is restored to duty because of an unjustified removal or suspension in a reduction in force, namely, subsection 6 (b) (3), it technically would not cover the situation in Miss Jennings' case. However, in view of the present favorable administrative report, and of other evidence of record in our Office, substantial equities now are found to exist in favor of Miss Jennings' claim. Therefore, considering the purpose of the bill, H. R. 4466, our Office would interpose no objection to its enactment.

We should like to point out that the provision in the bill requiring that the Secretary of the Air Force certify to the Secretary of the Treasury the amount determined to be due would represent a departure from the established fiscal procedure in that, normally, the certification would be by the General Accounting Office. While we offer no serious objection to that departure we do think that the bill is objectionable in respect of another phase, namely, that it does not adequately describe the nature of the compensation intended to be paid. The Congress, by the act of June 10, 1948, Public Law 623, has established the standard whereby similar claims legally are measured. In order to conform to present procedures as well as to the purpose of the bill, and for uniformity of computation of the "compensation which would have been paid," section 2 of the bill might be amended by inserting in line 6, page 2, before the colon, the clause "except that such compensation shall be computed in the manner as prescribed in the act approved June 10, 1948 (Public Law 623, 80th Cong.), had that act applied to her position on February 2, 1953."

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

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Calendar No. 1771

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1751

ANTONIO PENNA

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4588]

The Committee on the Judiciary, to which was referred the bill (H. R. 4588) for the relief of Antonio Penna, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Italy, who presently resides in that country. On October 5, 1952, he was married in Italy to a citizen of the United States. The couple has a citizen child born in this country on July 10, 1953. The beneficiary has been denied a visa inasmuch as the record discloses that on September 11, 1944, he was convicted on three counts of theft. These offenses occurred while the beneficiary was a minor and it is stated that the property involved was of small value. Without the waiver provided for in the bill, the beneficiary will be unable to join his citizen wife and child in the United States.

A letter, with attached memorandum, dated June 9, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4588) for the relief of Antonio Penna, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude. The bill further provides that this exemption is limited to a ground for exclusion of which the Department of State or Department of Justice have knowledge prior to the date of enactment.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTONIO PENNA, BENEFICIARY OF H. R. 4588

Information concerning the case was obtained from Mrs. Grazia Penna, the beneficiary's spouse, who resides in Lynbrook, Long Island, N. Y.

Antonio Penna is a native and citizen of Italy, born November 7, 1928. He has never been in the United States and has always resided in Italy. He is employed as a truckdriver and earns the equivalent of $45 monthly. He was married to Grazia Pedulla in Italy on October 5, 1952. They have a son, Frank, born at Oceanside, Long Island, N. Y., on July 10, 1953.

The beneficiary has an elementary school education. He served in the Italian Army during 1951 and 1952. On November 9, 1944, he was convicted by an Italian court of repeated thefts and sentenced to 2 years and 8 months imprisonment and fined 2,000 lire. He served only 20 days of this sentence and on appeal on July 6, 1950, obtained an order granting judicial rehabilitation.

Mrs. Penna was born in Italy on September 13, 1932. She was naturalized as a United States citizen on August 29, 1950. She is employed as a dress operator by the Hewlett Blouse & Sportswear Co., Hewlett, Long Island, N. Y., at an average salary of $50 weekly.

Mrs. Penna's parents, two brothers, and a sister reside in the United States. Her father, one brother, and her sister are United States citizens. She and her son, Frank, live at the family home, 13 Putnam Avenue, Lynbrook, Long Island, N. Y.

On June 21, 1955, the Department of State submitted to the Committee on the Judiciary of the House of Representatives the following report.

DEPARTMENT OF STATE,
Washington, June 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 16, 1955, and its enclosures, wherein you requested a report of the facts in the case of Antonio Penna, beneficiary of H. R. 4588, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Palermo, Italy states that Mr. Antonio Penna, beneficiary of approved petition No. VP 3-8341 granting him nonquota status, was informally refused an immigrant visa by that office on August 5, 1953, under section 212 (a) (9) of the Immigration and Nationality Act on the basis of his conviction by the Tribunal of Reggio Calabria on September 11, 1944, of crime of continued aggravated theft, a crime involving moral turpitude. The report states further that his case was considered under section 4 of Public Law 770, 83d Congress, 2d session, but since Mr. Penna has been convicted of more than 1 offense, namely continued aggravated theft on 3 separate occasions, he is not considered eligible for relief under the above-cited law.

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At this time the Department has no knowledge of any factor in Mr. Penna's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office*

Congressman Frank J. Becker, the author of the bill, submitted the following letter in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives, Washington 25, D. C.

DEAR MR. CELLER: With reference to my bill H. R. 4588, I wish to make the following statement:

The objective of this bill is to permit Antonio Penna, an Italian national, living in Italy, who married an American citizen resident of Long Island, N. Y., to join his wife and child in the United States.

The facts of the case are as follows: Grace Pedulla returned to Italy in 1952 to marry her childhood sweetheart, Antonio Penna. After their marriage, a visa application was filed in accordance with the law for her husband, Antonio Penna. This was delayed for sometime and after Mrs. Penna became pregnant, she returned to the United States to await the birth of her child whom she wished to be born in the United States, her husband to follow later. Upon investigation by our consular authorities, this visa was denied Penna as it was disclosed that as a minor during the war years of 1943 and 1944 when Italy was without a stable government, when its population plotted and schemed for the barest necessities of food, he was involved with several other boys in petty thefts. The record will show he was tried, convicted and the sentence suspended.

At no time before or after the incidents of 1943 and 1944 had Penna committed any crime. All reports are very favorable and indicate he has lived an orderly life, being steadily employed and enjoying the respect of the community in which he lives.

It is my feeling that the compassionate elements of the case should be recognized and it would seem unfair to deny this man who in his adult years has shown himself to be a useful citizen, to take his rightful place with his family.

What this private bill seeks to do is simply this: It is aimed at providing the same relief and to meet the same humanitarian claims, that are essentially inherent in Public Law 414 (sec. 212 (a) (9)) and also in Public Law 770 (Sept. 3, 1954). In both of the acts just mentioned, a visa is assurable provided at the time of the offense, the person was under 18 years of age or had commited only one offense. In the case of Penna, while technically there were 3 thefts of property of very small value, there was only 1 arrest and 1 trial. And, as I have already mentioned, the court, recognizing the age of the offender and the nature of the theft, and all of the reasons incident to the offense, gave Penna a suspended sentence.

It is very stongly felt that this private bill is on all practical fours with the two general acts in question, and I very earnestly request your committee to undertake a study of this case so that a decision may be had on the merits. I want again to emphasize that I was very much encouraged to introduce this bill because of the general provisions in Public Law 770 and Public Law 414.

I trust that after proper investigation, favorable consideration can be given to the approval of this bill.

Sincerely yours,

FRANK J. BECKER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4588) should be enacted.

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Calendar No. 1772

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1752

GIUSEPPE LADDOMADA, ANTONIETTA LADDOMADA, AND CHILDREN, CONCETTA AND PAOLO LADDOMADA

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 586]

The Committee on the Judiciary, to which was referred the bill (S. 586) for the relief of Giuseppe Laddomada, Antonietta Laddomada, and children, Concetta and Paolo Laddomada, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On lines 7 and 8, strike the words "their entries into the United States", and insert in lieu thereof the words "the enactment of this Act".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Giuseppe Laddomada, Antonietta Laddomada, and children, Concetta and Paolo Laddomada. The bill provides for appropriate quota deductions and for the payment of the required visa fees. The bill has been amended to conform the language with established precedents.

STATEMENT OF FACTS

The beneficiaries of the bill are husband, wife, and minor children, and they are 40-, 35-, 12-, and 7-year-old natives and citizens of Italy, respectively. The adult male beneficiary last entered the United

States on October 22, 1948, as a visitor, and the remaining beneficiaries entered this country on March 14, 1951, as visitors. The adult male beneficiary is part owner of two carpentry contracting companies. The adult female beneficiary's parents are citizens of the United States, as are her two brothers, both of whom are veterans of our Armed Forces. The adult beneficiaries are also parents of a United States citizen daughter, born on December 7, 1951.

A letter, with attached memorandum, dated June 21, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 21, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 586) for the relief of Giuseppe Laddomada, Antonietta Laddomada, and children, Concetta and Paolo Laddomada, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the aliens the status of permanent residents upon payment of the required visa fees. It also would direct that four numbers be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiaries are chargeable to the quota of Italy.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GIUSEPPE LADDOMADA, ANTONIETTA LADDOMADA, AND CHILDREN, CONCETTA AND PAOLO LADDOMADA, BENEFICIARIES OF S. 586

The above-named beneficiaries are a family unit consisting of husband, wife and two children. The husband, Giuseppe Laddamada, was born in Ponza, Latina, Italy, on April 20, 1915; his wife Antonietta, was born in the same town on August 11, 1920; the children, Concetta and Paolo, were born in Rome, Italy, on September 27, 1943, and June 6, 1948, respectively. All four beneficiaries are citizens of Italy. Another child in this family unit, named America, was born in New York, N. Y. on December 7, 1951, and is a citizen of the United States.

The adult male beneficiary is self-employed as part owner of two carpentry contracting companies in New York City. His income is about $200 per week. His assets consist of $7,500 invested in his business, about $5,000 in savings, and about $2,700 in personal effects. The three other beneficiaries are dependent upon him for support.

The adult male beneficiary served in the Italian Navy from 1935 to 1937. From 1938 until 1948 he operated a small shipyard in Italy. His father, 3 brothers, and 2 sisters are citizens and residents of Italy. He has no relatives in the United States other than his wife and children. The adult female beneficiary has no close relatives abroad. Her parents and two brothers are citizens and residents of the United States.

The adult male alien entered the United States on October 22, 1948, at Detroit, Mich., by train as a visitor. He has never received an extension of stay. His wife and the two children entered the United States at New York, N. Y. on March 14, 1951, by plane and were admitted as visitors. They received extensions of stay until December 23, 1951. Deportation proceedings were instituted against the adult male alien on November 23, 1951, on the ground that at the time of entry he was an immigrant not in possession of an immigration visa, and against the adult female and the two children on September 5, 1952, on the ground that they have remained in the United States for a longer time than permitted by law. After a joint hearing, all the aliens were granted the privilege of voluntary departiure in lieu of deportation with the alternative of deportation

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if they failed to depart. An appeal from this order and from a denial of suspension of deportation was dismissed by the Board of Immigration Appeals on October 16, 1953.

It is noted that at the time the adult female applied for her visitor's visa in Italy she claimed that her husband was residing in Rome, Italy, when as a matter of fact he was living in the United States and had been for a period of 2 years.

Private bill H. R. 5923 was introduced in behalf of these beneficiaries in the 83d Congress on June 24, 1953.

Senator Harley M. Kilgore, the author of the bill, submitted the following information in support of the bill:

FEBRUARY 16, 1956.

MEMORANDUM RE GIUSEPPE LADDOMADA, HIS WIFE ANTONIETTA, AND HIS CHILDREN, CONCETTA AND PAOLO LADDOMADA

Giuseppe Laddomada is 40 years of age and his wife is 35. They were married in Italy in December 1942. They have 2 alien children, Concetta, age 12, and Paolo, age 7. All four are natives and citizens of Italy. They have another child, America, who was born in New York, N. Y., on December 7, 1951.

Giuseppe Laddomada entered Canada as a visitor about September 1948. A month later, on October 22, 1948, he entered the United States by train at Detroit. He had no immigration visa at the time of his arrival and has resided here continuously since that time.

Mrs. Laddomada entered the United States by plane at New York on March 14, 1951, with her children, Concetta and Paolo. They were admitted by a board of special inquiry to September 11, 1951, and their stay was extended to December 23, 1951. She came as a bona fide visitor to see her parents who are American citizens. Having given birth to a child in New York only 2 weeks before the expiration of her extension, she was unable to depart from the United States. She has resided here continuously since her entry in March 1951.

Mr. Laddomada voluntarily appeared at the office of the Immigration Service in New York on November 23, 1951, and a warrant was issued charging him with being a quota immigrant. In September 1952, warrants were also issued against Mrs. Laddomada and her two alien children, charging them with having remained longer. At hearings which were held subsequently, Mr. and Mrs. Laddomada applied for suspension of deportation under the act of 1917 on the basis of economic detriment to their native American child. However, it appeared that the attorney who first represented them had not filed an application form for suspension and the time to file same under the former act had expired. On that ground, the Board of Immigration Appeals found that they were not eligible to apply.

Mr. Laddomada is barely eligible for suspension under the act of 1952 inasmuch as he acquired a 7-year residence in October 1955. However, Mrs. Laddomada and her 2 alien children do not have the necessary 7-year residence and are definitely ineligible.

As the sister of an American citizen, Mrs. Laddomada is eligible to apply for a visa in the fourth-preference category of the Italian quota. However, that category is over 3 years in arrears. Mr. Laddomada and the 2 alien children are only eligible for nonpreference visas and that category is over 4 years in arrears.

Mr. Laddomada has been a person of excellent character and reputation. He has never been arrested for or convicted of a crime anywhere. He was a nava carpenter in Italy. In the United States, he has been in the business of building homes and also doing carpentry work on new homes. He employs 45 persons in his business. He is the sole support of his wife and three children. If he should leave for Italy at this time to apply for a visa, his departure would cause serious economic detriment not only to his American citizen child but to his wife and two other children and he would suffer considerable financial loss in his business, as will hereafter be shown.

Mrs. Laddomada has all her close relatives in the United States. Her parents and two brothers are American citizens. Her brothers are veterans of the United States Army. She has no close relatives outside of the United States. In 1937, when she was 17 years of age and in Italy, her father who was in the United States sent for her but the American consul refused to believe that the money in the supporting affidavits belonged to her father and so refused to let her come. She has never been arrested for or convicted of a crime anywhere. She is solely dependent upon her husband for her support.

MRS. LADDOMADA'S RELATIVES IN THE UNITED STATES

Parents, Pietro and Carmela Mazzella, both United States citizens, residing at 3225 Westchester Avenue, Bronx, N. Y.

Brother, Jerry Mazzella, United States citizen, veteran, United States Army, residing at 3225 Westchester Avenue, Bronx, N. Y.

Brother, Thomas Mazzella, United States citizen, veteran, United States Army, residing at 184 North 8th Street, Orange, N. J.

Maternal aunt, Mrs. Fortunata Guarina, United States citizen, residing at 300 East 158th Street, Bronx, N. Y.

Maternal uncle, Liberato Aversano, United States citizen, residing at 259 West 12th Street, San Pedro, Calif.

Mrs. Laddomada has no close relatives in Italy.

MR. LADDOMADA'S RELATIVES IN THE UNITED STATES

Grandmother, Filomena Mazzella, Italian citizen, residing at 2087 Oak Ridge Drive, Charleston, W. Va.

Maternal uncle, Sam Mazzella, United States citizen, residing at 550 Fee Avenue, Melbourne, Fla.

Maternal uncle, Silvestro Mazzella, United States citizen, residing at 2087 Oak Ridge Drive, Charleston, W. Va.

Maternal uncle, Luigi Mazzella, United States citizen, residing at Ribberty Street, Charleston, W. Va.

Paternal uncle, Alberto Laddomada, United States citizen, residing at 430 Lafayette Avenue, River Edge, N. J.

Paternal aunt, Candida Perna, United States citizen, residing at 1751 59th Street, Brooklyn, N. Y.

Paternal aunt, Rosa Perna, United States citizen, residing at 17 Fifth Street, Hicksville, Long Island, N. Y.

Mr. Laddomada has his widowed father, sisters, and brothers in Italy.

MR. LADDOMADA'S BUSINESS INTERESTS IN THE UNITED STATES

Mr. Laddomada has a 50-percent interest in the following partnership and companies, his brother-in-law, Jerry Mazzella, owning the other 50 percent. Mr. Laddomada is the actual organizer and director of the business, having taught his brother-in-law as much as he could and he is indispensable to the business as his brother-in-law cannot carry on without him since he does not possess the necessary ability to read blueprints and lay out the construction work. Equipment, consisting of pickup truck, power machinery, and other appurtenances, are worth approximately $10,000:

(1) Italo-American Construction Co., 3046 Eastchester Road, Bronx, N. Y. This company is now working on the following projects or contracts:

(a) Contract for $45,000, to do all carpentry work in 51 one-family homes at a development in the vicinity of 233d Street and Ely Avenue, Bronx, N. Y.;

(b) Three contracts for $65,000, to build complete houses on Castle Avenue, Bronx, N. Y.;

(c) Contract for $7,000, to do carpentry work on 5 new frame homes in a country-club section of Bronx, N. Y.

Other contracts are being drawn for building and general work for other jobs.

(2) Cordo Homes, Inc., 3046 Eastchester Road, Bronx, N. Y.; contract for $18,000 for carpentry work in about 25 new homes in various sections of Bronx, N. Y.

(3) Cordini Homes, Inc., 3046 Eastchester Road, Bronx, N. Y.; contract for $7,000 for carpentry work in about 10 homes.

(4) Jerry Homes, Inc., 3046 Eastchester Road, Bronx, N. Y. Two homes are being built for the account of this company and will be offered for sale at a total price of $32,000.

TESTIMONIALS

There are attached hereto 14 testimonials from business people and other persons in his community attesting to Mr. Laddomada's industry, character, the fact that he is an asset to the United States and would make a good American citizen.

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WHY RELIEF SHOULD BE GRANTED THROUGH PRIVATE LEGISLATION

This is truly a hardship case which cannot be adjusted administratively. The Laddomadas have exhausted their remedies and the only solution lies in the enactment of a private bill. Mr. and Mrs. Laddomada have been found ineligible for suspension. Application for visas would mean leaving the country and waiting their turn in the quota for a number of years because of the oversubscribed Italian quota. Mr. Laddomada's business would suffer exceedingly if he departed from the country. He is the moving force in the construction business mentioned above and is doing valuable work in alleviating the shortage of housing accommodations. He is a decided asset to the community and has an excellent record for character and industry. Mrs. Laddomada has all her close relatives in the United States, including her parents. Her roots are firmly imbedded in the United States. Had it not been for the arbitrary action of the American consul in 1937, she would have been in the United States some 18 years ago as a permanent resident and would have been an American citizen. Mr. Laddomada also has many close relatives in the United States. They desire that their native American child be brought up in American schools and in her native country. In view of the equities, it is respectfully submitted that relief should be granted through the enactment of private legislation.

BRONX, N. Y., *February 9, 1956.*

To Whom It May Concern:

Please be advised, that Mr. Guiseppe Laddomada has been known to us for a period of 7 years, during which period he has been employed by us and our associated firms in our construction work, and we have found him to be a conscientious, sober, sincere, and reliable individual.

We can sincerely recommend this gentleman for American citizenship.

Yours very truly,

K. & M. BUILDERS, INC.,
By Santo A. Panicia,
Vice President.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 586), as amended, should be enacted.

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Calendar No. 1773

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1753

MELECIO ACOSTA-MORALES

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1013]

The Committee on the Judiciary, to which was referred the bill (S. 1013) for the relief of Melecio Acosta-Morales, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

> That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Melecio Acosta-Morales. From and after the date of enactment of this Act, the said Melecio Acosta-Morales shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to provide for the cancellation of any deportation proceedings and outstanding order of deportation in behalf of Melecio Acosta-Morales. The bill also provides that he shall not again be subject to deportation by reason of the same facts. The bill, as introduced, would have granted the beneficiary the status

of permanent residence in the United States. However, the beneficiary has been a permanent resident of the United States since 1920.

STATEMENT OF FACTS

The beneficiary of the bill is a 39-year-old native and citizen of Mexico, who last entered the United States on December 5, 1953, as a returning resident. He first entered the United States on March 22, 1920. On December 16, 1953, the beneficiary was convicted of the crime of knowingly and fraudulently importing narcotic drugs into the United States and was sentenced to imprisonment for 2 years and a fine. Upon payment of the fine, the sentence to imprisonment was suspended. The beneficiary states that while visiting across the border in Mexico, narcotic drugs were planted in his car. When he attempted to reenter the United States, the drugs were discovered. The beneficiary is married to a United States citizen and they have 4 citizen children.

A letter, with attached memorandum, dated April 14, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 14, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1013) for the relief of Melecio Acosta-Morales, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the El Paso, Tex., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota. It appears that the bill is intended to grant the alien permanent residence in the United States notwithstanding the fact that he has been found subject to deportation under section 241 (a) (11) of the Immigration and Nationality Act on the ground of conviction of violation of a law governing the importation of narcotic drugs.

It appears that the beneficiary is eligible to nonquota status and, if otherwise qualified, able to obtain a nonquota immigrant visa.

Sincerely,

——— ———, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MELECIO ACOSTA-MORALES, BENEFICIARY OF S. 1013

The beneficiary, who is married to a United States citizen, was born December 4, 1916, in San Juan del Rio, Durango, Mexico. He is a citizen of Mexico and last entered the United States at the port of El Paso, Tex. on December 5, 1953, as a returning resident. He first entered the United States at the port of Fabens, Tex., on March 22, 1920.

On December 16, 1953, he was convicted on his plea of guilty in the United States District Court, El Paso, Tex., of the crime of knowingly and fraudulently importing narcotic drugs into the United States, and was sentenced to a term of 2 years and a fine of $250. Upon payment of the fine, the sentence to imprisonment was suspended. On May 14, 1954, he was ordered deported from the United States by reason of his conviction and sentence for violation of a law governing the importation of narcotic drugs. His appeal to the Board of Immigration Appeals was dismissed on July 7, 1954, and a warrant of deportation was issued on July 14, 1954.

The alien resides with his wife and four United States citizen children at Chamberino, N. Mex. He is self-employed as a farmer at Chamberino, N. Mex. He owns farmland valued at $75,000 against which there is an indebtedness of $14,500. He paid income tax on an income of $38,000 in 1954. He has 5 brothers living in New Mexico, 3 of whom are United States citizens. In addition to the 4 children living with his present wife, he also supports 2 children by a former marriage.

Senator Dennis Chavez, the author of the bill, has submitted the following brief which was filed with the Board of Immigration Appeals in behalf of the beneficiary:

To: The Department of Immigration Appeals, United States Department of Justice, Immigration and Naturalization Service, Washington, D. C.

In the matter of Melecio Acosta-Morales, No. A4388461.

APPEAL FROM ORDER OF DEPORTATION

Brief on behalf of Melecio Acosta-Morales, respondent, in deportation proceedings No. A4388461, conducted before the Honorable Hugo B. Raugust, special inquiry officer, at El Paso, Tex., on May 14, 1954.

A reference to the discussion included with the findings of fact and conclusions of law with regard to this subject, elicits the information that the subject last entered the United States on December 5, 1953, over the Santa Fe Bridge at El Paso, Tex., at which time he was apprehended and charged with knowingly and fraudulently importing into the United States, contrary to law, a narcotic drug, to wit, opium. The discussion further shows that the subject was convicted of this offense in the United States District Court for the Western District

of Texas, sitting at El Paso, Tex., on December 16, 1953, upon his plea of guilty to the offense charged. He was sentenced to a term of 2 years, which was suspended, and assessed a fine of $250, which amount was paid. At the time of this hearing the respondent admitted that the above conviction had been found against him, but protested his innocence of said charge and produced a witness, a lawyer who had represented him at the time of his conviction, who testified that he had advised the respondent to enter a plea of guilty.

There accompanies this brief an affidavit of this witness, Mr. E. E. Chavez, a practicing attorney of Las Cruces, N. Mex., and a former assistant district attorney for the third judicial district of the State of New Mexico. An examination of this affidavit reveals that Chavez was with the respondent for a long period of time preceding his apprehension and was present at the time that the respondent was apprehended and charged with the above offense. The affidavit states that the affiant knew the respondent was innocent of the charge, but that in view of the fact that the contraband opium was apparently found in the automobile of respondent, and because of the respondent's desire to prevent publicity which would have seriously damaged his reputation in his community, the affiant urged the respondent to enter his plea of guilty. This was done after consultation by affiant with the customs agent involved and the assistant United States attorney at El Paso, Tex.

Affiant states in his affidavit that he knows of a practice of informers in Juarez to plant contraband upon a subject and thereafter notify customs officials that the subject is in possession of contraband, thereby receiving a reward and proceeds from the sale of the confiscated property. Whether or not such practice may be in existence, there are certainly grounds for belief from the facts stated in said affidavit that there was opportunity in the instant case to plant the opium in the automobile of the subject.

Although it does not appear in this record, the respondent contends that when he was stopped by customs officers at the International Bridge, the customs officers stated to respondent that they had been waiting for him and asked him where he had been for so long. Furthermore, respondent contends that these customs officers appeared to have a notation of the license number of his car. These are matters which from their very nature the respondent is not in a position to establish except by his own statement, but which would bear investigation by the proper officials to determine their accuracy.

Again referring to the discussion accompanying the findings of fact and conclusions of law in this record, it would be seen that respondent had been a legal resident alien of the United States since his admission for permanent residence at Fabens, Tex., March 22, 1920. He has raised a family in the United States which consists of his native-born wife and 6 native-born United States citizen children, ranging in age from 7 months to 12 years. He has successfully followed the occupation of farmer and has accumulated an interest in property in the United States valued at approximately $75,000.

The special inquiry officer received a very favorable impression of the respondent, stating that he appears to be above the average in intelligence, was neat and clean, and was at all times courteous and respectful at his hearing. The record shows that he has never been

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arrested other than in the instant case, except for a minor violation of disturbing the peace.

That this respondent bears an excellent reputation is attested by the letters relative to his character and reputation which accompany this appeal. Throughout these letters it is to be noted that none of the writers had ever had any intimation from the respondent's conduct, behavior or reputation that he had ever had any connection with the importation, transportation, sale, use or dealings with narcotics in any form throughout the more than 30 years that he has lived in this country.

It is earnestly submitted that if discretionary relief in any form is available to respondent under these circumstances, the respondent's record demonstrates that he is entitled to the same.

Respectfully submitted.

WILLIAM E. CLAYTON.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1013), as amended, should be enacted.

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Calendar No. 1774

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1754

MARTINO PALMERI

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1101]

The Committee on the Judiciary, to which was referred the bill (S. 1101) for the relief of Martino Palmeri, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Martino Palmeri. The bill provides for the payment of the required visa fee. The bill has been amended to delete the quota deduction inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 43-year-old native and citizen of Italy, who last entered the United States on November 17, 1935, as a stowaway. In 1939, the beneficiary married a United States citizen and they have four citizen children. The beneficiary was arrested in 1942 and 1946, for operating a still, but the charges were dismissed. Again in 1946, for a similar offense, the beneficiary received a suspended sentence. In 1952, he was sentenced to 1½

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years in the penitentiary. Church officials and friends of the beneficiary state that he has effected a genuine reformation. He is employed as a laborer and provides the support of his citizen wife and four citizen children. In addition, the beneficiary's mother, brother, and sister are lawful permanent residents of the United States.

A letter, with attached memorandum, dated November 22, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to a bill then pending for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 22, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3865) for the relief of Martino Palmeri, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary lawful permanent residence in the United States as of the date of the enactment thereof upon payment of the required visa fee and the deduction of one number from the appropriate quota.

The beneficiary appears amenable to deportation on the basis of having been convicted and imprisoned for two or more crimes involving moral turpitude since his arrival in the United States.

It should be noted that the bill as drawn does not specifically exempt the beneficiary from the deportation provisions with relation to his convictions and imprisonment for crimes.

As the husband of a United States citizen the beneficiary would be eligible to nonquota status in the issuance of an immigrant visa.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARTINO PALMERI, BENEFICIARY OF S. 3865

The beneficiary, Martino Palmeri, is a native and citizen of Italy, who was born on December 5, 1912. He arrived at the port of New York, N. Y., as a stowaway on November 17, 1935 on the steamship *Ile de France.*

The beneficiary was arrested in 1942 and 1946 for operating a still, but in each instance the charge was dismissed. On November 22, 1946, he was found guilty of conspiracy to violate the internal-revenue laws of the United States and was sentenced to 1 year and 1 day; sentence was suspended and he was placed on probation for 3 years. On March 28, 1952, he received a sentence of 1½ years for a similar offense, which he served in the United States Penitentiary, Lewisburg, Pa.

On May 13, 1949, a warrant of arrest in deportation proceedings was issued on the ground that the beneficiary was not in possession of a valid immigration visa and not exempted from the presentation thereof. He was accorded a hearing at the United States Penitentiary, Lewisburg, Pa., on November 18, 1952, at which time he was ordered deported. On May 26, 1954, and August 12, 1954, the Board of Immigration Appeals denied motions to reopen the aforementioned proceedings.

Mr. Palmeri attended elementary school in Italy 6 years. He was married to Mary Domingo, a United States citizen, on June 4, 1939, in New York, N. Y., and they have four children. He has a brother and a sister who are legal resident aliens and a mother who is a native and citizen of Italy. He is presently employed as a laborer and earns approximately $85 per week. He maintains that his wife and children are dependent upon him for support.

The beneficiary's assets consist of personal effects valued at approximately $2,000.

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Senator Herbert H. Lehman, the author of the bill, submitted the following information in support of the bill:

MARCH 16, 1955.

IN RE S. 1101, 84TH CONGRESS, 1ST SESSION, A BILL FOR THE RELIEF OF MARTINO PALMERI

The record in this case relates to a 42-year-old male, a native and citizen of Italy, who last entered the United States at the port of New York, on November 17, 1935, and the alien subject has resided continuously in this country since the date of his arrival. He is married to a native-born citizen, Mary Palmeri, as of June 4, 1939, and there are four children of this marriage, namely, Vincent Palmeri, born September 24, 1940; John Palmeri, born October 31, 1941; Frank Palmeri, born June 10, 1945; and Vincenza Palmeri, who was born on May 9, 1950, all of whom are native-born citizens of the United States.

As the alien subject was not admitted for permanent residence to the United States, and he is in violation of the Immigration Act of May 26, 1924, as amended, in that he was not in possession of a valid immigration visa at the time of his last entry, and was not exempted from the presentation thereof, he is subject to immediate deportation from the United States to Italy. The alien made the necessary applications to the Immigration and Naturalization Service for discretionary relief in the form of the suspension of his deportation in accordance with existing regulations, and for the alternative relief under the provisions of the Immigration Act of February 5, 1917, as amended. However, such relief was denied to the alien subject by reason of his convictions in connection with unregistered alcohol-still violations.

The subject is not a habitual criminal and has completely rehabilitated himself since his release from prison on June 11, 1953. He has shown that he is repentant and has been gainfully employed. An independent character investigation by the Honorable Reverend Irvin Wise, of Philadelphia, Pa., revealed that the alien subject was a good Christian and in need of understanding, and he recommended that every consideration be accorded to the alien.

A petition for a pardon after completion of sentence to prevent the deportation of the alien was submitted to the office of the pardon attorney, Department of Justice, Washington, D. C., in order to nullify the two internal-revenue offenses which form a basis for the denial of discretionary relief by the Immigration and Naturalization Service. The pardon attorney was not permitted to review the files in the subject's cases as a result of a matter of policy in cases where the grant of a pardon by the President of the United States would not, in itself, grant the desired suspension of the proceedings against the subject. In all other types of cases where aliens are legally present in the United States, and subsequently commit offenses against the Government of the United States, the office of the pardon attorney may, in its discretion, review the files, and, upon investigation, recommend a pardon by the President.

It is conceded that the alien subject may be deported from the United States, and it is likewise conceded that the alien was twice convicted of crimes involving moral turpitude. However, the mitigating circumstances in this particular case wherein the alien has an unrelinquished residence of almost 20 years in this country, indicates that he is repentant, has reformed himself, acquired new useful associations, is supporting his family, is constant in his present activities, attends church regularly, has been the subject of a favorable independent character investigation; and where it is conceded by the Immigration and Naturalization Service that the deportation of the alien would result in a serious and unusual hardship to the citizen spouse and children of the alien, calls for consideration and compassion on the part of Senate Judiciary Committee in its reports for action on the private bill introduced by the Honorable Herbert H. Lehman.

It should be pointed out that the entire family of the alien has emigrated legally to the United States. On February 26, 1955, the mother of the subject alien, Vincenza Di Benedetto Palmeri, entered this country for permanent residence. If the alien is deported to Italy, he will return alone to a country where he has no close family ties, and to a country where he has not been since the year of 1935. The subject's wife does not wish to leave the United States and it is her desire that the children be raised in this country and not in Italy.

It should be pointed out further that on March 28, 1952, the Honorable United States District Judge Leo F. Rayfiel, of the United States District Court for the Eastern District of New York, stated, while imposing sentence on the alien subject, that the court recommends no deportation for the alien, Martino Palmeri.

The memorandum of information concerning the proposed beneficiary of S. 1101 is submitted to the committee with the knowledge that the facts contained therein will be relied upon in determining the recommendation for further action. It is the hope of the wife's subject, Mary Palmeri, that this particular bill will receive the understanding necessary to form an opinion that it should be enacted.

HYMAN MARGOLIES.

THE CADMAN MEMORIAL CHURCH,
Brooklyn, N. Y., October 26, 1955.

Hon. HERBERT H. LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR LEHMAN: Continuing our mutual interest in the case of Mr. Martino Palmeri, I am herewith sending you a letter from the parish priest, Rev. Philip J. Riehil, St. Finbar's Roman Catholic Church, Brooklyn. As I told your secretary, Mr. Jules Edelstein, and others connected with the Judiciary Committee, the ministers of the church where the Palmeri family is enrolled are in agreement with me that this man has become stabilized in his community relations and is on his way to become a good American. We must understand his background in order to explain his violations of the United States laws intelligently.

At the present time citizens in Brooklyn are circulating a petition for signatures requesting that this man, for his family's sake as much as for his own, be given a chance to prove himself and become a legal citizen.

I am also going to see the pardons attorney and request their department cooperation in securing a forgiveness of the charges standing against the man. We owe that much to his American-born wife and four children.

Therefore I hope that the Bureau of Immigration will make no move against this man until your bill to legalize his residence can come out of committee and be acted upon. I feel that this case warrants such respect for your bill on behalf of this man. You and I would not go all out for any person unless we have had proof of the worthiness of such a person, and their family.

Again thanking you for your interest, I am,

Sincerely,

IRVIN C. WISE

ST. FINBAR'S RECTORY,
Brooklyn, N. Y., October 20, 1955.

Hon. HERBERT H. LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR LEHMAN: I am writing to ask your kind and special consideration of the case of Mr. Martin Palmeri, of 1639 81st Street, Brooklyn, and if it is at all possible to grant him legal residence in the United States.

Mr. Palmeri gives us reason to believe that he has changed. His work is hard, yet he has been faithful and industrious. He has and promises to continue to avoid those who led him into trouble in the past. He promised me personally that he will be faithful to his religious duties and rightfully fulfill his family obligations.

His wife, Mary, is a citizen, as are the four children. They have suffered a great deal in the past, but it is bound to become worse if he should be deported. Financially they could not exist on the wife's salary. The burden whole or in part would fall upon the State. From a parental standpoint, the children are at an age when they need the father.

Even this brief sketch would readily convince anyone that his deportation would bring extreme hardship on this family.

The above I can personally verify and present for your kind consideration.

Thank you.

Sincerely yours,

Rev. PHILIP J. RIEHIL.

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BROOKLYN, N. Y., *October 25, 1955.*

We, the undersigned, neighbors and citizens of New York City, having known Martin and his wife, Mary Palmeri, 1639 81st Street, Brooklyn, for several years, respectfully urge the Department of Justice, Bureau of Immigrations, to grant Martino Palmeri legal residence in the United States so that the order of deportation may be withdrawn and he may continue to work, support, and care for his family of four children; and assist in supporting his aged mother. We believe that he will make a good citizen.

(Signatures deleted.)

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1101), as amended, should be enacted.

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Calendar No. 1775

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1755

CERTAIN RELATIVES OF UNITED STATES CITIZENS

APRIL 16 (legislative day, APRIL 9), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 457]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 457) for the relief of certain relatives of United States citizens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 2, line 5, following the name "Chamberis", insert the name "Olga P. Cheek".
2. On page 2, line 6, following the name "Corra", insert the name "Nicola G. D'Armi".
3. On page 2, line 7, following the name "Falcone", insert the name "Anna G. Favia".
4. On page 2, line 9, following the name "Gasparatos", insert the name "Lilli Gerlisky".
5. On page 2, line 9, following the name "Gibson", insert the name "Lieselotte W. Grimmer".
6. On page 2, line 10, following the name "Israel", insert the name "Efstathios Katsikis".
7. On page 2, line 10, following the name "Kikel", insert the names "Hedwig B. Krause", and "Gertrud H. E. T. Krueger".
8. On page 2, line 10, following the name "Laballarte", insert the name "Margaret W. Lampinen".
9. On page 2, line 11, following the name "Larson", insert the name "Chieko S. Lee".

10. On page 2, line 13, strike the name "Maria McWalters", and insert in lieu thereof the name "Marianne Putz McWalters".

11. On page 2, line 15, following the name "Mavromatis", insert the name "Tatjana Meerman".

12. On page 2, line 16, strike the name "Elfriede Luker".

13. On page 2, line 21, following the name "Pantera", insert the names "Armaranti N. Papanikitas", and "Maria M. Regina".

14. On page 2, line 21, following the name "Ruschak", insert the name "Anna Sagan".

15. On page 3, line 1, following the name "Wilson", insert the name "Brian Woo".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive the excluding provision of existing law relating to aliens afflicted with tuberculosis in behalf of 84 spouses or children of United States citizens. The joint resolution also grants the status of permanent residence in the United States to 2 aliens, 1 of whom is the widow of a United States citizen, and the other the wife of a United States citizen. The joint resolution also provides for the posting of a bond in behalf of each alien referred to in the joint resolution as a guaranty that he will not become a public charge. Provision is made for the payment of the required visa fees and in one case for the deduction of an appropriate quota number. Since passage of the joint resolution by the House of Representatives, the Visa Office of the Department of State has submitted to the Congress 15 additional names. Upon their recommendation, the resolution has been amended to include these cases. The joint resolution has been further amended to correct the spelling of one name.

STATEMENT OF FACTS

During the latter part of the 83d Congress, and early in the 84th Congress, representatives of the Department of State and members of a subcommittee of the Committee on the Judiciary of the House of Representatives informally discussed the problem of alien spouses and children of United States citizens who are inadmissible to the United States because of affliction with tuberculosis. As a result of those discussions, it was decided that the Department of State should submit full and complete documentation regarding each case in which they recommended that legislation be enacted in order to avoid the separation of United States citizens from their families. The files on the individual cases included in the joint resolution are contained in the Committees on the Judiciary of the House and Senate.

A letter, dated May 4, 1955, to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives from the Assistant Secretary of the Department of Health, Education, and Welfare, concerning certain private immigration bills introduced in the House of Representatives for the relief of the alien spouses and children of United States citizens, reads as follows:

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 4, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
House Committee on the Judiciary.

DEAR MR. CHAIRMAN: This is in response to the recent requests of your committee for a report on H. R. 879, H. R. 914, H. R. 1087, H. R. 1092, H. R. 1098, H. R. 1167, H. R. 1391, H. R. 1938, H. R. 2042, H. R. 2253, H. R. 2475, H. R. 2491, H. R. 2530, H. R. 2786, H. R. 3028, H. R. 3029, H. R. 3052, H. R. 3061, H. R. 3191, H. R. 3345, H. R. 3620, H. R. 3536, H. R. 3838, H. R. 4154, H. R. 4593, and H. R. 4469, private relief bills, which would waive the exclusion clause contained in section 212 (a) (6) of the Immigration and Nationality Act prohibiting the admission of aliens afflicted with certain diseases. We understand that the disease involved in the cases covered by these bills is tuberculosis.

The committee is, we understand, concerned with the public health hazard, if any, which would be involved in the enactment of these and similar private relief bills. Our comments on these bills therefore are confined to their public health aspects.

Medical officers of the Public Health Service examine visa applicants at the major consulates in Europe to determine from a medical standpoint, the eligibility of the alien to receive a visa to migrate to the United States. These medical examinations, while sufficiently extensive to ascertain the presence of excludable diseases or conditions, among which is tuberculosis, are not sufficiently detailed to reveal the degree of infectiousness or the extent to which a person may constitute a hazard within a community.

It is difficult, if not impossible, because of indeterminate factors, to appraise accurately the health hazard involved in permitting persons suffering from tuberculosis to settle in a particular community. The Public Health Service can, however, recommend on the basis of medical knowledge provisions for continued medical observation and care of such persons so as to minimize or preclude the danger of the spread of the disease.

In the case of aliens afflicted with tuberculosis and entering the United States by special arrangement, a period of hospitalization should be required to permit a complete study and evaluation of each case. Although the necessary period of hospitalization may vary from case to case, a minimum period of 3 months should be required to enable the hospital authorities to determine whether the particular alien should be hospitalized for inpatient treatment, discharged, or discharged to outpatient care under adequate precautions and supervision to protect the public health.

As cases of active tuberculosis are of concern to local health departments and are required to be reported, notification should be made to the directors of the respective State health departments of any such aliens with active tuberculosis residing in their communities.

Should these bills be given favorable consideration by your committee, we would suggest that the admission of these aliens be made subject to such terms and conditions with respect to care, hospitalization, and maintenance as the Attorney General may prescribe after consultation with the Surgeon General of the United States Public Health Service. This recommendation would, we believe, provide

for a maximum of administrative flexibility in establishing adequate public-health safeguards to minimize the risk, or degree of risk, of contagion involved in each individual case.

Sincerely yours,

ROSWELL B. PERKINS,
Assistant Secretary.

The beneficiaries of sections 2 and 3 of the joint resolution, were originally to have been granted a waiver of the excludable ground. However, since they have been admitted to the United States temporarily for treatment, it is deemed appropriate to provide for the adjustment of their status to that of permanent residents.

The language of the joint resolution provides the necessary assurance that each beneficiary will submit to treatment for tuberculosis as long as such treatment is necessary, and provides for ample health safeguards as suggested by the Department of Health, Education, and Welfare in the above report.

There has been introduced in the Senate S. 3278. Inasmuch as the beneficiary of that bill has been included in the instant legislation, the bill, S. 3278, will be indefinitely postponed.

The committee, after consideration of all the facts in each case referred to in the legislation, is of the opinion that the joint resolution (H. J. Res. 457), as amended, should be enacted.

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